DOCUMENT RESUME

ED 151 443 UD 017 834

TITLE School Desegregation, Making it Work; A Report to the Rockefeller Foundation.
INSTITUTION Michigan State Univ., East Lansing. Coll. of Urban Development.
PUB DATE 76
NOTE 132p.; Proceedings of a Conference on the Successful Implementation of School Desegregation (East Lansing, Michigan, July 9-11, 1976)

EDRS PRICE MF-$0.83 HC-$7.35 Plus Postage.
DESCRIPTORS Board of Education Role; *Change Strategies; *Conference Reports; *Integration Litigation; *Integration Methods; *Integration Studies; Mass Media; Research Utilization; *School Integration; Superintendent Role

ABSTRACT

Issues involved in making school desegregation work are discussed in this conference report. A review of legal landmarks and a discussion of the precedents and standards of which the implementation of school desegregation depends are given. To provide background in the history of desegregation, an overview of critical integration court battles is provided. The roles of the social scientist, the school superintendent, the lawyer, the school board member, and the press are considered. Social scientists play a crucial role in court and in studying the outcomes of school desegregation in terms of attitudes change and academic achievement. Litigation is one sure way to keep school desegregation moving forward. Desegregation cases require carefully researched data. This is the area where lawyers find social science research useful in their roles as legal advocates. Mobilizing a system for desegregation is a very complex task, and ways to mobilize a district smoothly regardless of school superintendent personality and political power are discussed. The role of the school board member is critical, since he must act as the political power broker for the poor and serve as the plaintiff in desegregation court cases. It is noted that the media does not have the power to change public opinion about desegregation, but that it reflects national opinion. Specific guidelines for successful implementation of school desegregation are given. (Author/AM)

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School Desegregation

Making It Work

A Report to the Rockefeller Foundation

College of Urban Development
Michigan State University
East Lansing, Michigan

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VD017834

Proceedings of a *Conference on the Successful Implementation of School Desegregation*, East Lansing, Michigan, July 9-11, 1976.

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Printed in the United States of America
Cover design: Ben Titus
Production editor and text design: Eugenia Zerbinos

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Preface

In the late summer and fall of 1976, as this report is written, the timeliness and importance of the *Conference on the Successful Implementation of School Desegregation* is becoming evident. It is becoming apparent that the opening of schools across the nation this year brings substantial reason for optimism about the future of school desegregation. The violence and disruption which typified school desegregation in previous years, for the most part, is absent this year, due to effective actions of involved school districts. In Cleveland, for example, local and state boards of education placed a full page advertisement in the daily papers calling for cooperation with court ordered desegregation.

Another reason for this positive shift is that the actions of anti-busing factions have resulted in their becoming discredited in the eyes of the public. The public is recognizing with greater clarity that school desegregation is a necessary remedy to a violation of the constitutional rights of minorities. This recognition in part accounts for the current loss of impetus for a constitutional amendment prohibiting busing. A majority in Congress would fail at this date to support such an amendment, nor would the states ratify it.

These are positive and encouraging signs. They enable desegregation advocates and attorneys to redouble their efforts and to more clearly envision implementation of desegregation plans in larger cities, such as New York, Chicago and Los Angeles. In Dayton, Ohio, a well-coordinated community effort has led to a very smooth opening of school in their first year under a desegregation order. Milwaukee also has demonstrated the initiative and foresight to implement a voluntary desegregation plan.

In addition to these encouraging signs, desegregation efforts are being bolstered by some findings of the National Assessment of Educational Progress. This evaluative agency recently discovered that, at age nine, the differential between black and white

achievement levels is being reduced. This narrowing gap cannot be explained totally by implementation of school desegregation, but this factor, along with improved instruction, holds promise for the future.

Of course, there may be some disruptive events to strain the success of desegregation efforts in many communities. But these events should not be construed as signs of the failure of desegregation programs. The portents of success are unmistakably present this fall—in Cleveland, in Milwaukee, in Boston—and their presence is as unmistakable as was their absence in recent years.

As we gathered for this weekend conference, a commitment was made to conference participants that we would not debate the "merits of busing," but would seriously discuss issues related to the successful implementation of school desegregation. From this discussion, we developed a specific set of recommendations which represent important steps and actions that can be carried out in districts that are planning to engage in school desegregation.

I would like to take this opportunity to express my sincere thanks to the Rockefeller Foundation for its financial support of the conference and the publication of this report and for its sustained interest in exploring ways to strengthen public education for all American children. Special thanks are due to Dr. Charles Smith, Associate Director, and Bruce Williams, Assistant Director, Social Sciences Division, the Rockefeller Foundation, for their encouragement and continuing assistance on this project. Without their total support, this conference would not have been possible.

For his continued support of research efforts related to the educational growth of children, and for his encouragement, I would like to thank MSU President Clifton R. Wharton, Jr.

Thanks are extended to the conference participants. Without their diverse contributions, the sharing of ideas and experiences so crucial to a well-rounded view of the desegregation process would have been impossible.

I would like to express my gratitude to the desegregation conference staff for its dedicated efforts in planning and conducting the conference and for investing their concentrated energies in compiling this report.

The invaluable contributions of Janet Brydon, editor of the final draft, and law students William Ashworth, Daune Elston, and

Amos Hewitt, who provided research and writing assistance on legal matters related to educational desegregation, are also gratefully acknowledged.

Thanks, too, to the clerical staff of the College of Urban Development, particularly Roberta Grange and Pamela Bowe, for their help during the conference and the preparation of this report.

Also, the able handling of conference arrangements by Howard Bernson and the staff of the Kellogg Center for Continuing Education is greatly appreciated.

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KEYNOTE ADDRESS

Educational desegregation: problems and prospects

Nathaniel Jones

The journey toward the implementation of school desegregation has been a lengthy and often a lonely one. In this keynote address, Mr. Jones offers an expertly guided tour through many of the legal landmarks and reviews the strong precedents and standards on which implementation now depends. He also maps out the requirements of individual dedication and concerted effort important for future desegregation efforts.

When school desegregation reaches the point of litigation, it is because the political process has been unresponsive. Parents who are really concerned about their children's education have found it necessary to look to the legal process to seek vindication. The plaintiffs on whose behalf these suits are brought are not phantoms. They are real live people concerned about their children.

In our society, governed by law, these concerned people can resort to the courts for help. Because we are a country of laws and not of men, we believe in a rule of law. We assume that when the Supreme Court handed down its decision in 1954 in the *Brown* case, it meant what it said. Segregation of children on the basis of race, prompted by governmental action, is unconstitutional. Educational offerings in such a situation are inherently unequal. No matter how much money you throw after schools or how you dress them up, if segregation results through governmental action, it is inherently unequal.

These firm legal standards have been promulgated by the Supreme Court in interpreting the Constitution. These legal standards constitute another assumption. When proof is developed and offered to the court, a judge, who has taken an oath to uphold the Constitution, is going to apply that proof to the law as determined by the Supreme Court. When he finds that the proof is adequate and that school authorities have violated the law, he will determine that a remedy is in order. One remedy designated by the Supreme Court is transportation. There are other techniques that also may be used. Simply because people may disagree with a particular technique is not sufficient reason for a court to refuse to use it, and it is not justification for the public to resist it.

In the *Brown* decision, the Supreme Court recognized how deeply ingrained racial considerations were in our educational institutions. When institutions created by virtue of racial considerations and improper use of state authority are rearranged, there is bound to be resistance. Nonetheless, disagreement with the principles is not sufficient reason for resistance nor is it sufficient reason for principles to be compromised. In a constitutional republic, we must act on these assumptions. That is what we have done in bringing these law suits. According to the Supreme Court, a school system which has brought about segregation through its policies and practices has a duty to devise a plan to eliminate segregation.

A few years after *Brown*, the Supreme Court recognized in the *Swann* case that it was being confronted with a loaded game board. When school construction policies have maintained and perpetuated segregation, when faculty and school administrators have been hired and assigned on the basis of race to create racially identifiable schools, when optional zones have been created to allow white students to slip out of changing neighborhoods and move to all-white school districts, the court has the duty to act. The remedy, as Chief Justice Burger said, may be awkward, inconvenient and, in some instances, bizarre. And the remedy may seem senseless or artificial. The Supreme Court has realized that remedies are going to excite some people and create resistance. Nevertheless, when dealing with a school system that has been constructed along racial lines, these techniques must be used if segregation is going to be eliminated.

The *Swann* case in 1971, and those preceeding it, primarily dealt with the illegal statutes of the South. The 1973 Denver decision was

the case in which the court faced up to school segregation in northern states which had statutes of equal opportunity and state constitutional provisions that guaranteed equal treatment. When you consider desegregation in the North, where the school board defends itself on the basis of housing patterns, you must demonstrate that segregated housing patterns are a result of governmental action and school board policies and practices. We have been doing this at great cost and great expense of time, and we have been meeting resistance. We are told by school administrators and community groups, "We will accept black students in our schools, but we don't want our kids bused into those schools." Even Hubert Humphrey has said that he was opposed to students being bused to inferior schools. That kind of rhetoric is an admission of guilt. If you admit that there are schools that are inferior, and those are the black schools, you are admitting that black students have been getting shafted.

The school systems have been operating schools that are second rate and inferior. I think it is good for us to understand this, state it and reiterate it to people constantly.

I was in the delegation which met with President Ford a few weeks ago at the White House to discuss the Administration's attempt to redirect national policy on school desegregation. President Ford, in this meeting, said something which summarizes the problems we have faced. He said that he was opposed to segregation, in favor of integration, and that he grew up in an integrated community. He declared that even if he didn't agree with the law, he would see that it was enforced. He went on to say he had a problem with the way some judges have gone too far in ordering *massive forced busing for quality education.*

That phrase, "massive forced busing for quality education," is exactly what we've been trying to deal with in straightening out America's thinking. There is no massive forced busing. There *is* massive forced school attendance.

President Ford says he doesn't feel that "massive forced busing" is the way to get *quality education.* When lawsuits are filed, they are not quality education suits. They are desegregation suits. Because they are desegregation suits, we have the burden of proving the systems are segregated and, upon proving that, the duty of the court is to order desegregation.

This points out the significance of language and rhetoric. When the President of the United States continues to use imprecise, incorrect language, he is exacerbating the problem. Clarence Mitchell, director of the NAACP's Washington bureau, responded to President Ford, "Did you know when were involved in civil rights in the South in the early stages, segregationists used the term 'social equality'. That term conjured up all kinds of images and aroused all kinds of passions in people because it implied more than it said. Now that term has been replaced by the term 'forced busing'." He continued, "As a moral leader of the world and one who we feel certain is committed to equality in this country, we would hope that you would keep the importance of language in mind when you use such terms."

President Ford blushed, drew on his pipe and thanked Mr. Mitchell. He said he understood what Mr. Mitchell was saying. But the next day when he spoke to the Indianapolis Jaycees, he dwelled at length on the subject of massive forced busing for quality education.

President Ford's actions concerning busing are disturbing. Instead of supporting the Supreme Court's busing decision and setting a good example for the American people, the President has moved to the front of the mob to orchestrate it. We think that it is necessary at this point for the American people to be told that the Supreme Court fully contemplated some disruption, some discomfort, but all of this has to heal in the face of a system that is unconstitutionally segregated.

The legislation that the President submitted to Congress seeking to cut back the powers of the court to deal with busing and to limit the jurisdiction of the courts for a five-year period in desegregation cases may well represent the dying gasp of those who have taken positions of "never, never." It's becoming apparent to many people in this country that they've been had on this question. No matter how many speeches are made about the evils of busing, or how many politicians get elected on the promise of doing something about this desegregation business, or how many amendments are tacked on as riders to legislation, Judge Garrity's order still stands. Judge DeMascio is spinning in circles on the Detroit case, the orders are still rolling down in other cases, and the public is beginning to ask, "What goes here?" It's slowly dawning on the

American people that they have been taken for a long ride and that the constant search for alternatives to busing is a wasted trip.

There's something else the President said in our meeting which is very significant. He said that he was not in favor of a constitutional amendment because it couldn't receive the three-fourths vote of the states. That says a great deal about the mood of this country on the busing question. Why can't the administration get the two-thirds vote in the Congress to amend the Constitution? Because, they know the country would be subjected to an excruciating examination of all the ramifications of that move, and they know the country wouldn't buy it because it would open up Pandora's box. It's rather apparent that the country is not nearly as enamored with knocking the school buses off the road as has been represented.

I think we can conclude that the country senses a feeling of inevitability about desegregation and about the tools that will be necessary to bring it about. I referred to President Ford's statement that he was for integration but he was opposed to busing. It reminds me of a quote by Helen Gahagen Douglas. She said that when a person says he loves God, whom he hasn't seen, but hates his brother, he is a liar. When someone says he's in favor of desegregation but opposed to the means to obtain it, he too is a liar. In many situations, desegregation can not be accomplished without the use of a bus. The public is coming to understand this and is prepared to accept some leadership in this field.

I would like to cite as an example something that is happening in Cleveland, where we are waiting for the ruling from the judge. [NOTE: On August 31, federal district judge Frank J. Battisti ruled that the Cleveland schools were deliberately segregated and that the Cleveland Board of Education and the State Board of Education had violated the plaintiffs' 14th Amendment right to equal protection under the law. Nathaniel Jones, attorney for the plaintiffs, considered the ruling to be a step closer to the realization of metropolitan school desegregation.] The leadership of Cleveland has come together and decided to comply peacefully with any desegregation the court might order. Through the Cleveland Foundation, they have organized a group of citizens representing practically every walk of life in Cleveland, and they have adopted a statement of purpose. Let me share a paragraph from it:

The Greater Cleveland project is a voluntary association of participating organizations who have agreed to work cooperatively for the following purposes:

A. To seek to develop through Greater Cleveland a responsible leadership of organizations and individuals to deal with the implications of the federal court decisions on Cleveland school desegregation to attempt to prevent any potential conflict or disharmony resulting from the decision within the community, and to encourage peaceful and lawful responses to the decisions of the federal court.

B. To provide accurate and complete information on school desegregation matters to the public, including the content and meaning of court rulings and related implementation orders, to help in coordinating the work of its participating organizations engaged in and supporting efforts toward peaceful and lawful desegregation.

C. To develop, coordinate and support a core group of participating organizations and citizens concerned with quality integrated education in the greater Cleveland area.

This kind of approach is typical of what we're seeing in other communities. In Columbus, Ohio, the Chamber of Commerce has had a task force at work for the past 18 months. In Columbus, the AFL-CIO, the UAW and the Steelworkers are working together with the barons of the corporate community on the desegregation question. When the President says that busing and desegregation are disruptive to the fabric of the community, he has been misinformed. What desegregation can do is pull people together, to search for the solution to a lot of other problems in our urban setting. We think that the Cleveland and Columbus models can be emulated by more communities.

The President's legislative proposals are clearly unconstitutional, unnecessary and unprecedented. Even Republican Senator Dole says they have about as much chance of being enacted as Harold Stassen has of being nominated by the Republican Party for President. The effort to limit the court's jurisdiction to five years will not succeed because it flies in the face of the *Brown* decision. It also is contrary to the *Klein* decision of 1872. In that case, the Supreme Court said any effort made through the use of a jurisdictional statute, such as contemplated by the President, is unconstitutional and will be struck down.

We need to talk about the positive results of desegregation. There are many on the horizon right now, although they have been virtually ignored. All we hear about is South Boston; all we see on television are the Boston police surrounding the school or leading the school buses out on the trail. But we don't hear much about what's

happening in 99 percent of that school system. Muriel Cohen has written a series of articles for the *Boston Globe* and I would like to share with you a few of her observations. In her first article she says,

> The Boston schools are on their way up, reading scores are holding, suspensions have dropped to 1973 levels, hundreds of new programs are on their way, new buildings will open, and the focus has begun to shift from what is good for the system to what is good for the students. Preliminary reading test results for the year just ended show improvement in a number of district high schools, gains for minorities and no loss to whites. At the end of the second year under federal court jurisdiction the real impact of desegregation is beginning to surface in the city's classrooms.

Muriel Cohen writes that the reassignment of children through busing has exposed a profound deficiency in the system, an inability of some teachers and principals to supply the variety of teaching levels and other services required by an urban school population. For example, Marie Clark of West Roxbury, a former president of the Boston Home and School Association, who has opposed busing but has worked to maintain peace in the school, laments the loss of homogeneous classrooms. The quality of education has gone down, she says. When children from the same neighborhood and generally from the same socioeconomic background were in the same classroom, the teachers were able to handle it. Now, she believes, a fifth grade class might have children with first grade reading levels, making the class impossible to teach.

That is precisely the issue, says state education commissioner, Gregory Anrig. A good administrator and a good teacher can do it. He believes that by using teacher aids and special techniques and materials every ability level in a classroom can be taught effectively.

Anrig also says that the West Roxbury classroom was really not homogeneous. Previously, the child who didn't come up to standards simply was left by the way.

A second Cohen story was on the Luenberg school. Her analysis begins with a quote from a student who said, "Today I can look back on all our experiences and say it has been a very good year." The speaker was 15-year-old Jean Hurley of West Roxbury who was giving the valedictory address for the eighth grade graduating class. Summing up for the year, Jean spoke freely about her initial fears. "In 1975 the majority of our class was new to Luenberg. Some of us were leaving our neighborhoods for the first time and were both

scared and excited as we looked ahead to the next school year." Jean's fears were groundless. Luenberg, one of the most troubled schools in the Boston system five years ago, had a smooth year.

Desegregation in Boston has cost millions of dollars in court-ordered repairs, new construction, monitors for busing, teachers' aides and police. There is also a low teacher-pupil ratio because of the enrollment drop. With small classes and a large staff, Luenberg is expensive to run. The staff has generated proposals for additional funding from state and federal sources. Scores in basic reading and arithmetic skills were up. According to staff and parents, there were no incidents and no tension. The curriculum has been enriched to include a bilingual French component for the Haitian children and a music program. The exterior of the school has been refurbished. The window trim is now a bright yellow, doors scarred in the past are now unmarked, graffiti on the base of the flagpole has been painted over, and there is screening over the windows. Inside, murals brighten the hallways.

The Harvard-Kent school also had a trouble-free year, according to Cohen.

> No cannons are being fired on Bunker Hill this bicentennial year, yet within the shadow of the monument an educational and social revolution is underway. Inside Harvard Kent Elementary School the changes have been dramatic, but the mood has been tranquil, though a year ago city and school officials feared there would be trouble following the federal court-ordered desegregation of the Charlestown all-white school. Within the shadow of the Tobin-Mistic bridge, drab narrow tenements marching uphill from the rear, the four-year-old brick and glass school is finally settling its silhouette into the historic Charlestown skyline. This year only a quarter of the children in grades one through five walked to Harvard school. The balance of the 75 percent ride to Charlestown in buses from Southend and Roxbury. Half of the children bused in are black, the rest are Chinese, giving the school a majority enrollment of minority students. The school survived the year without incident, without suspensions. The children who came here had a higher reading level and performed better than the classes we had in the first three years. Last year with an all-white homogeneous student body, the principal says, "I had to suspend 10-15 students, most of those children were assigned outside the district this year."

This gives a little insight into what's happening in Boston and what can happen in any desegregated school setting where there's a will to make it work. We have never had any doubts that desegregation could and would work. We feel that the public is be-

ginning to understand this and that they are ready to accept direction and leadership.

Therefore, we must not let an opportunity pass to keep the record straight about desegregation. We must avail ourselves of every opportunity to focus on the issues. The issue is not quality education *per se*. No federal court has the power to order desegregation for the purpose of improving educational quality. Unless the court finds a violation of the Constitution in terms of segregation, it does not have the power to order the school board to do anything. That's unfortunate in many respects. I think if the Supreme Court had found that education is a right protected under the Fourteenth Amendment, then perhaps we could be a little further down the road. But the Court has said that equal education is not a constitutionally guaranteed right so the only leverage we have is through the desegregation process and we're proceeding to use it.

Suits are filed only after there's been an indication of unresponsiveness on the part of school officials. Unfortunately, many school officials are afraid that desegregation will ruin them politically. I'm pleased to know that you have a superintendent here in Lansing who dared to stand up and promote peaceful busing and desegregation. Perhaps the climate now being created may stimulate some courageous action and bring about a measure of desegregation short of the litigation route. We would like to get on to dealing with some other issues. We would like to be able to sue for more jobs and better housing. We would like to be able to put more pressure on a variety of other agencies that need correction. If we can move forward in the field of desegregation on a voluntary basis, we will be able to do those other things.

We are in the same predicament as a group of people confronting a storm out at sea. The captain of the ship told them that to remain afloat and survive they must join hands, hold tight and trust each other. He said the moment any of them ceased to hold onto each other or lose faith in one another, the sea would engulf them and the lights would go out.

Those of us who have been waging what is sometimes a lonely battle in this desegregation area have felt the same way. There has been a sense of conviction that has caused us to hold tight because all of our destinies are wrapped up in this struggle. We have kept

the faith and held onto each other and now we're asking others who are in equally perilous positions to take our hands, to hold on, to trust and not give up.

xx

1

Introduction

How to do it successfully is the key school desegregation issue today, but knowledge of desegregation history is essential. This chapter offers an overview of critical court battles that helped to change the face of the nation's schools.

The Successful Implementation of School Desegregation Conference held at Michigan State University, July 1976, was concerned with analyzing the roles of and relationships between school administrators, school board members, lawyers, reporters and social scientists in communities undergoing school desegregation. Each of these groups of participants contributes in a unique way to the implementation of school desegregation, and the specific role each plays must be understood if its contributions are to be coordinated. Cross-district uniformities in the roles of the participants were identified during the conference so that a set of general implementation guidelines could be developed for application to other desegregating school districts. These guidelines should be particularly valuable now that implementation has become the key desegregation problem.

Chapters in this report include the major presentations plus summaries of the main points made by respondents. It also includes workshop summaries and guidelines which emanated from the workshops. These and additional guidelines compiled by the project staff are listed in chapter nine.

Brief History of School Desegregation

It was not until 1954 that segregated schools became illegal. Before then, the courts upheld the separation of the races. However,

in 1896, the courts maintained that separate facilities must also be equal.

Plessy v *Ferguson*, 163 U.S. 537 (1896), established the principle that states may provide "separate but equal" treatment for blacks without violating the Thirteenth or Fourteenth Amendments.[1] "The object of the Amendment (Fourteenth)," the Court declared, "was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based on color, or to enforce social, as distinguished from political equality, or commingling of the two races upon terms unsatisfactory to either."

The "separate but equal" doctrine was substantially weakened, but not abandoned, by the Court in *Sweatt* v *Painter*, 339 U.S. 629 (1950). A black student, originally barred by race, successfully sued to gain admission to the University of Texas Law School.[2] Rather than admit Sweatt to the white university, the State of Texas built a new, all-black law school, satisfying the Thirteenth Amendment under the Plessy interpretation. The Supreme Court charged, however, that the white law school had the advantages of a larger faculty, more course variety, more opportunity for specialization, larger student population, and a better library. Furthermore, the Court pointed out that the white law school also had intangible advantages "incapable of objective measurement," such as "reputation of faculty, experience of the administration, position and influence of the alumni, standing in the community, traditions and prestige."

Brown v *Board of Education*, 347 U.S. 483 (1954), is the seminal case in modern race relations.[3] Spearheaded by the National Association for the Advancement of Colored People as the culmination of a series of carefully planned suits, *Brown* (also referred to as *Brown I*) overruled *Plessy* and has been the legal foundation for every school desegregation case since 1954. In its unanimous decision, the Supreme Court said: "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."[4] *Brown I* thus required the elimination of state-created racial segregation in public schools pursuant to the Equal Protection Clause of the Fourteenth Amendment.

In 1955, in *Brown II* (*Brown* v *Board of Education*, 349 U.S.

294), the Court ordered segregated public school systems to "effectuate a transition to a racially non-discriminatory school system . . . . with all deliberate speed."

It was 13 years later that the Court decided that "deliberate" speed was not fast enough. According to *Green v New Kent County School Board*, 391 U.S. 430 (1968), school boards under court order must take affirmative steps to eliminate school segregation. The "freedom of choice" plan implemented by the New Kent, Virginia, board was judged ineffective in this particular case and rejected as a desegregation plan.[5] "The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now,"[6] the Court emphasized.

Once it was decided that school boards must take positive and realistic action to end school segregation, the legal issue centered on the extent of the courts' equity power to remedy a constitutional violation. *Swann v Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971), was an attempt to define more precisely the duty of both school authorities and district courts in implementing *Brown I*. In accord with *Green*, the District Court had ordered the school authorities to prepare a more effective desegregation plan for the Charlotte, North Carolina, metropolitan area. An issue of major interest to both blacks and whites was whether the district court had the power to order two-way busing. The Supreme Court affirmed this power, stating that "once a right and a violation have been shown, the scope of a district court's equitable power to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies." The Court also held that revision of attendance areas need not be "compact," as had been suggested by *Brown II*. Thus, discontiguous zones could be paired in certain instances to further desegregation.

In describing district court power to remedy a violation of this nature, the Supreme Court stated: "All things being equal with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all the

awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems." It was this case which led to a series of attempts by Congressional leaders and President Nixon to prohibit or limit busing as a remedial tool.[7]

Keyes v. *School District No. 1, Denver, Colorado*, 413 U.S. 189 (1973) was the Supreme Court's first decision on school desegregation in the North. This decision dealt with northern discrimination where there was no state-mandated segregation by statute or state constitutional provision as had often been the case in the South. A significant finding by the Court was that district-wide remedies could rest on a finding of intentional discrimination in only one part of the district. The Court stated: "Where plaintiffs prove that the school authorities have carried out a systematic program of segregation affecting a substantial proportion of the students, schools, teachers and facilities, a finding that the entire district is a dual, segregated one is authorized, absent a showing that the district is divided into clearly unrelated units. And once a city-wide finding is made, the usual remedies from *Brown II* to *Swann* are applicable."

The *Milliken* v. *Bradley*, 418 U.S. 717 (1974) decision reversed lower court orders that had directed interdistrict remedies in the Detroit metropolitan area after a finding of *de jure* segregation in the City of Detroit. The Court held that, "absent a finding of an interdistrict violation, there is no basis for an interdistrict remedy." Finding no violations on the part of the surrounding suburban districts, the Court ordered a Detroit-only plan.

The Court was sharply divided over this decision with four dissenters vigorously pointing out the ineffectiveness of a "Detroit-only" remedy.[8] Nevertheless, the majority of the Court held that the "controlling principle consistently expounded in our holdings is [that] the scope of the remedy is determined by the nature and extent of the constitutional violation."

This case is generally viewed as restricting remedies in school desegregation cases to the political boundaries of the districts found in violation of *Brown*. The Court did allow, however, that interdistrict remedies can be ordered when "significant" acts on the part of state officials lead to segregative effects on local school districts. Although a metropolitan-wide remedy was defeated in the

Milliken-Bradley decision, a recent U.S. District Court decision has found enough "significant acts" on the part of the State of Delaware to warrant a metropolitan plan in the Wilmington area. Wilmington, thus, could become the first district in the United States with a court-ordered metropolitan desegregation plan.

In *Evans* v. *Buchanan* (1976), the Wilmington school board was a party plaintiff[9] in the suit to desegregate its schools. The board contended that legislation enacted by the state[10] had a segregative effect on the city of Wilmington, and also affected surrounding suburban school districts. Relying on *Milliken*, the United States District Court for the State of Delaware agreed that such action by the state was substantial and that the nature of its segregative effects was sufficient to allow an interdistrict remedy.[11] The court ordered that ten suburban school districts and the district of Wilmington be desegregated and reorganized into "a new or such new districts as shall comply with the opinion of this Court. . . ." Moreover, the court established a five-member interim board of education[12] to govern the new district and to implement a desegregation plan.

Ironically, the *Evans* litigation began more than 20 years ago, even before the landmark *Brown* decisions. Despite more than two decades of litigation, however, the Wilmington area experienced no significant school desegregation. Thus, Wilmington's case, with its roots in the pre-*Brown* era, embraces the entire course of desegregation court orders and may point to future remedies to implement school desegregation in the United States.

Implementation Issues

The implementation or remedy stage of school desegregation litigation is almost as long and tortuous as the fact-finding, liability stage. The extent of the district courts' equity power to remedy unconstitutional school segregation still must be decided in a number of key issues. For example, when a single district is found to be unconstitutionally segregated, does a district court have the power to include surrounding districts in its remedy through cross-district busing? Does the court have the power to upgrade as well as desegregate educational programs through such devices as educational components, student conduct codes and remedial programs? Can the court order the various levels of government to

pay specified proportions of the cost of implementing a desegregation order? These and many other issues involved in implementing school desegregation are still to be resolved.

Implementing school desegregation is complicated, too, by the country's generally hostile climate of public opinion. Enunciated in legal, political, educational and social terms by the public and by its leaders, this public opposition is emphasized almost daily by the mass media.

Legally, school board defendants across the country have continued court action to subvert or stymie court-ordered desegregation and the legal suits brought by parents or the NAACP against segregated public opinion.

Politically, efforts have been made to amend both the United States Constitution and congressional legislation to limit or even prohibit educational desegregation strategies.

Educationally, school boards and school administrators often fail to provide leadership in encouraging and preparing communities to obey court orders to desegregate.

Socially, public and private citizens who advocate school desegregation or integration may be criticized in personal terms or even ostracized. Ostracism can take many forms, ranging from public snubbing or terminating memberships in private clubs to open, verbal abuse.

It was this climate of antagonism to school desegregation that gave the MSU conference its sense of timeliness and urgency. How can an enlightened group of individuals, admitted advocates of school desegregation, turn the public's opposition to understanding and even to support of multi-racial forms of education? What are the factors which make one community tolerate stress, tension and even violence rather than acquiesce to school desegregation while other, nearly identical, communities execute court-ordered desegregation plans with little open hostility or conflict?

Identifying the factors which have helped or hindered in implementing school desegregation may enable others to minimize social, legal and legislative opposition to desegregation and to preserve their schools as peaceful, productive learning centers.

Notes

1. Plessy, a Louisiana resident with one-eighth African blood and seven-eighths Caucasion blood, was jailed when he refused to obey a state statute which provided "that all railway companies carrying passengers in their coaches in this State, shall provide equal but separate accommodations for the white and colored races. . . ."

2. The Court rejected the University of Texas contention that Plessy's separate but equal doctrine required a judgment in its favor, but also avoided deciding Sweatt's claim that "*Plessy* v. *Ferguson* should be reexamined in the light of contemporary knowledge respecting the purposes of the Fourteenth Amendment and the effects of racial segregation."

3. Four cases were consolidated on appeal under the name *Brown* from the states of Kansas *(Brown* v. *Board of Education)* South Carolina *(Briggs* v. *Elliott)*, Virginia *(Davis* v. *County School Board)*, and Delaware *(Gebhart* v. *Belton)*.

4. The principle of "separate as inherently unequal" has been applied to state-created segregation in areas other than the public schools.

5. The specific Virginia constitutional and statutory provisions involved which mandated segregated education were held unconstitutional in *Brown I (Davis v. County School Board of Prince Edward County)*. Virginia subsequently enacted several statutes to resist *Brown*. New Kent County instituted its "freedom of choice" plans eleven years after *Brown I* in order to qualify for federal funds. "[A] plan that at this late date fails to provide meaningful assurance of prompt and effective disestablishment of a dual system is also intolerable," the court declared.

6. This case only excludes "freedom of choice" plans where they fail to desegregate schools effectively.

7. These measures included amendments to the Higher Education Act of 1972 providing for monitoring court orders adopted "for the purpose of achieving a balance among students with respect to race, sex, religion, or socioeconomic status," and anti-busing provisions of the Educational Amendments of 1974 condemning "excessive transportation of students."

8. The lower court noted that the most promising Detroit-only remedy would "leave many of its schools 75 to 90 per cent black."

9. As a party plaintiff, the Wilmington School Board bore the cost of litigation. This move relieved the NAACP of the cost of trying the suit.

10. In 1968, the Delaware Legislature adopted the Equal Educational Advancement Act which reorganized many of Delaware's small school districts into larger ones and provided that school districts with more than 12,000 students must remain coterminous with their city limits forever and never expand or reorganize. This latter provision, it was successfully contended in court, locked the Wilmington School District in as a black, segregated district.

11. "Specifically, it must be shown that racially discriminating acts of the state or local school districts, or a single school district have been a substantial cause of

interdistrict segregation. Thus, an interdistrict remedy might be in order . . . where district lines have been deliberately drawn on the basis of race."

12. Subsequent political maneuvering, however, has led to an enlargement in the membership of the interim board.

2

A social scientist's view of school desegregation: national politics, attitude change and school achievement

Robert L. Green

The role of the social scientist—vital in court and in studying the outcome of school desegregation—need not be passive during implementation. Social scientists have some exciting options that need to be explored.

On the CBS Evening News of June 23, 1976, Roger Mudd reported the latest results of the continuing political poll jointly commissioned during this election year by CBS Television and the *New York Times*. Except in specific local areas, the poll revealed, busing across America was *not* perceived as an issue of consequence. In contrast to such genuine national concerns as political integrity, the economy, and responsive government, busing did not make the "top ten."

One day later, the executive branch of our government decided to officially revive the issue. On Friday morning, June 25, 1976, the bold front page headline in the *Detroit Free Press* summed it up succinctly: FORD OPENS BUSING ATTACK . . . BILL WOULD REIN JUDGES.

This action by the President of the United States clearly casts busing as a major issue in the President's quest for reelection. It made busing a political issue. More important, it brought to a head the growing conflict between the executive and judicial branches of

our government. Never in recent history has the executive branch of the government so pointedly criticized and attempted to influence and modify the decisions of the judicial branch.

The political aspect of Mr. Ford's interest in educational desegregation and busing comes at a time when the apparent Democratic-nominee designate, a southerner, has pulled together wide support ranging from a southern governor to Georgia Congressman Andrew Young and Dr. Martin Luther King, Sr. Thus, a political attack on an education issue, busing, to some was inevitable. However, *Washington Post* columnist, William Raspberry, has pointed out that the President and other critics of busing have not been able to offer any feasible alternatives.[1] Raspberry indicated that we are simply viewing the slow motion replay of a game plan initiated by John Mitchell's justice department. Since 1970, when that department filed an *amicus curiae* brief in *Swann*, the Charlotte-Mecklenburg case in which the Supreme Court first upheld busing as a desegregation tool, the official posture of the government has been against busing.

Since then the government has proposed a variety of politically-inspired techniques for banning busing as a tool of desegregation. In the 1972 Denver case, the government was back in court arguing against the concept of transferring the affected students. It would be much better, it maintained in this brief, to "eliminate the disparities rather than disperse the students."

It is important to view seriously the growing conflict between the executive and judicial branches of government. Mr. Ford's press against the federal judiciary is unprecedented. Judges are resorting "too quickly" to busing, the President has charged, adding, "It is this overextension of court control that has transformed a simple judicial tool, busing, into a cause of widespread controversy and slowed our progress toward the total elimination of segregation."[2]

This, however, is not an accurate view of contemporary history. Significant desegregation in this country has always been achieved in a climate of widespread controversy. Unrest has been the very yeast of racial progress. When Rosa Parks refused to move to the back of the bus, it was controversial; when white and black students conducted sit-ins at segregated Atlanta restaurants, it was controversial. Martin Luther King, Jr.'s confrontation with "Bull" Connors in Selma was controversial. But contrary to the logic of

the President, such controversy has not "slowed our progress toward the total elimination of segregation;" it *hastened* the progress and made the South a better place to live for *all* people.

Judge George Edwards of the U.S. Court of Appeals for the Sixth Circuit spoke recently in Chicago on the subject of school desegregation and the present problems of the judiciary in confronting it. In his presentation, he put the busing issue back into perspective:

> The morning after Labor Day in 1971 my wife and I drove down to Detroit from our cottage through the rural thumb country of Michigan. We passed . . . and stopped for . . . dozens of yellow school buses picking up hundreds of farm children . . . all white. It reminded us that busing gave us the fine system of consolidated schools all over rural America with well nigh unanimous approval. That was also the morning when the school desegregation order for Pontiac, Michigan, went into effect. On the car radio we heard that the fleet of buses had been bombed and set afire. Proofs in a federal court criminal trial later showed that this was the work of the Ku Klux Klan. The Ku Klux Klan doesn't hate buses. Its whole history shows that it simply hates blacks.
>
> . . . I see a strange and dangerous kind of apartheid developing. . . . The white population's move to the suburbs increasingly leaves the central cities to blacks . . . how could we, if we wanted to, create a more dangerous condition than this?
>
> And there is where the judicial branch of government is almost powerless. In this country . . . as in no other in the world . . . our courts are guardians of the conscience of the country as it is expressed in the Constitution. But the courts are called upon to pass judgment on what has happened rather than plan improvement or even to plan to avoid disaster. . . . The executive and legislative branches are studiously looking the other way . . . and at times it would appear . . . any other way.[3]

Since Judge Edwards delivered that address, the President has gone beyond simply "looking the other way." He would now narrow and define by legislation what the courts can and cannot do in the way of using transportation of children as a means of desegregating schools. Thus a judiciary already almost powerless to confront racial separation in the society would become even more ineffective in its efforts to desegregate the nation's public schools. Hopefully, the President will not prevail. The Congress and the Constitution itself stand between his highly publicized political statements on busing and his efforts to narrowly channel the judicial branch of the government.

In his public attack on the courts' intrusion into school busing, President Ford made this statement: "The principle of racial equality is indelibly written into our hearts, and all that we do must honor it."[4] This view of American history is naive. Where was this indelibly written racial equality in the days of slavery? Where was it in *Plessy* v. *Ferguson* in 1896? Indeed, where was it indelibly etched on the heart of Gerald Ford during all the years he served in Congress and generally voted against civil rights legislation?

The President must certainly know that the courts have been the last resort of remedy in a race-conscious society, and thus it is the judiciary itself that he now seeks to challenge.

The political attack on busing, however, has been immeasurably aided by the frequent lack of leadership on the part of some school administrators and elected public officials whose intransigence has forced black parents to seek legal remedies.

Boston is the classic case of such non-responsiveness. In 1965 the Massachusetts legislature passed a Racial Imbalance Act mandating that no school would be more than half black. It brought a decade of opposition by many Boston whites. Candidates for the School Committee that operates the Boston public schools ran for office on platforms of opposing desegregation and were elected. The School Committee evaded repeated efforts to enforce the racial balance law, and Boston legislators finally succeeded in having the law repealed in 1974.

It was against this background that the NAACP filed the suit that resulted in Judge W. Arthur Garrity's Federal District Court desegregation order. In his opinion, Judge Garrity specifically pointed out the "intransigence and bad faith" of the School Committee in meeting efforts to press desegregation.[5] The opinion also outlined a long series of maneuvers the Judge said the school authorities had used to create a segregated school system.

The result, as the 152-page ruling meticulously outlined, was that Judge Garrity had no option but to deal with a totally unreasonable set of circumstances in a reasonable and legally sound manner. Aside from the assignment of a group of federal marshals during the opening weeks of the 1975 school session in the fall, there has been no federal Administration support for the district court and its beleaguered judge.

A recent *New York Times* interview with Philip W. Buchen is

revealing. He is the President's chief counsel as well as long-time friend and advisor. "Mr. Ford really dislikes busing as a remedy" to segregation because he believes "it is now causing more problems than it solves." Beyond that, indicated Buchen, the President does not think it should be the government's role to insure "balancing" of the public schools. It is Mr. Ford's opinion, according to his chief counsel, that in many cases *the remedies prescribed by the courts were broader than the evidence of illegal discrimination.* However, continued the *Times*, "The White House has been unable to cite a single specific case."[6]

The Louisville, Kentucky, desegregation case is worthy of attention because of the many contrasts it presents to the Boston experience. At the beginning, in the fall of 1975, court-ordered desegregation in Louisville was no different from that in Boston. There were demonstrations, stoned buses and confrontations with the police. But by the end of the school year it became apparent that Louisville is not Boston. The tense atmosphere dissolved and students grew somewhat comfortable with each other, at least on the surface. The major reason for the difference was responsive leadership. A Louise Day Hicks never emerged in Louisville and, according to the *New York Times*, "Not a single public official turned integration into a political issue."[7]

While Louisville's politicians avoided emotional public statements on busing, unfortunately school board officials did not. On May 4, 1976, U.S. District Judge James F. Gordon sharply turned down the desegregation plan the board proposed for the Jefferson County schools. "The board," said Judge Gordon in his opinion, "seems now to wish to chart its own course and make its own decisions as to proper student ratios and assignments, feeling perhaps as it has the lawful right to do so."[8] The *Louisville Courier Journal* stated editorially that the opinion of Judge Gordon "shouldn't have surprised anyone,"[9] but the President once again gave legitimacy to the school board's opinion just two weeks later by stating on May 29, 1976, "I am totally oppposed to court-ordered forced busing."[10]

In reading the remarks of Judge Edwards, his vision of an American apartheid in the nation's cities struck me with great clarity. Less than two years ago I visited South Africa and witnessed the ravages of total segregation on young black and white minds.

To visit a school in the all-black ghetto community of Soweto is a shocking experience, and every opponent of desegregation should be exposed to it. The white schools are superior models of educational efficiency; they are mandatory and virtually tax free. The black schools in Soweto are inferior and non-mandatory, and black parents are taxed if they choose to have their children attend. In many schools there is no electricity; in some, no bathroom facilities. This in a country where the white minority accounts for only 13 percent of the population. Soweto is a demonstration of the ultimate moral collapse of a segregated society. It is not coincidental that unequal educational opportunity is the focal point of the unrest that is sending young black students into the streets of Soweto.

The politics of busing and desegregation are often emotional and not based on reasonable data. Federal judges will probably remain the convenient targets of campaign statements through November. Those of us who view school desegregation as a serious and important issue must continue to search for accurate information and data which will provide us with thoughtful and defensible approaches while pursuing the goal of educational desegregation.

Contributions of Social Science

In the confrontation between the judicial and the executive branch over the issue of school desegregation there is, at the most essential level, an apparent struggle between justice and inequity. In a fundamental sense, there is a similar confrontation between social scientists today who hold quite different basic assumptions and whose research and/or public statements are in sharp conflict. The representatives of one side of this debate are those who can be characterized as conservative on the basis of the political implications of their research and the basic values which their research represents. Just as the current executive branch of government is seen by some as an inequitable force, these social scientists are conducting research which, in its outcomes and in its *a priori* value foundation, is inequitable. And, many have become very well known on the basis of their contributions to the literature. They have contributed influential research with negative implications for the nation's poor. Their research may consist of nonprescriptive

data gathering, or it may assume the form of a campaign with apparent malevolent implications for the nation's minorities.

Arthur Jensen's work[11] on the heritability of intelligence is probably the most well-known example of research which has had negative implications for education. While it is difficult to design instruction consistent with this work on intelligence, his assertions about racial differences on IQ and the alleged black intellectual deficit are not minor in their implications. Such assertions about group differences are not warranted at this time on the basis of other research and the opinions of many psychologists.[12]

Jensen's dangerous position is excelled, however, by William Shockley's unabashedly racist assertions. An advocate of racial purity, Shockley holds that, unless strict segregation of the races is maintained, a widespread dysgenic effect will occur. He says this will result ultimately in the degeneration of the intellectual elite and a loss of desirable characteristics in the gene pool. But Shockley's efforts at providing a foundation for his theories have resulted in much criticism from his colleagues.[13] One of the most harmful facets of the research is that it backs up those who oppose a balance of social justice and equity. Such a position contributes nothing toward the survival of this culture.

Another expression of negativism is Christopher Jencks' interpretation of data on the effects of schooling. Jencks essentially asserts that the effects of schooling are exceeded by the effects of one's home environment, one's socioeconomic origin, and even luck.[14] School variables have a very small effect on one's success in a chosen profession. Within a selected profession such as medicine, for example, it remains to be demonstrated, asserts Jencks, that the highest excellence in practice is positively associated with a high level of academic success in medical school. But what is the meaning of the suggestion that one's school achievement is at best moderately related to professional success? Some have interpreted Jencks' assertion to mean that schooling is basically a bad investment. This is a pessimistic and dubious interpretation. Given this research and this interpretation of it, there are few desirable educational implications which could lead to social equity.

David Armor has adopted a very negative posture toward school desegregation.[15] Ignoring the tremendous potential for long-term

realization of educational and social equity, Armor asserts that the overall effect of school desegregation is negative. He cites evidence of a direct relationship between busing and achievement decrements and the decay of interracial attitudes. What is not observed in his research, however, is that there is contradictory evidence on these issues. Further, he fails to ask what it means to obtain research findings that school desegregation has had negative effects in a single instance. While it is suggested that it indicates a general negative outcome, it would be more likely that it has simply not been *implemented effectively*.

Nathan Glazer's position on school desegregation derives from the same basic position. He argues for maintenance of racial isolation (separate but equal), ostensibly to avoid the abolition of a pluralistic society and to avoid what he claims are the heavy social costs of desegregation.[16] Glazer has become an alarmist in his belief that school desegregation is ultimately a political game which has gathered momentum and is unstoppable.

The classic conservative approach toward social science research concerning school desegregation is that of James Coleman.[17] He has asserted in several forums over the course of the past year that school desegregation *per se* results in "white flight" to the suburbs, and that the courts have no business violating the freedom of individuals by telling them where their children must attend school. Coleman seems to have forgotten that for years all minorities were urged to strive for social equality through formal legal steps. Now that minorities have successfully followed this advice, Coleman argues that the courts are not the proper arena for such a struggle. Even more fundamental is Coleman's attempt to influence public policy and legal action on the basis of opinion alone. While he claims to argue from his data, a careful examination of his data reveals that they are inadequate as a foundation for his public arguments.

One of the most obvious weaknesses in Coleman's work is in the selection of cities he used to obtain his findings. He claims to have selected the 19 largest school districts in the nation and the 50 next largest. But, in fact, he did not choose those which are the largest. He excluded Miami-Dade, Fort Lauderdale-Broward, Charlotte-Mecklenburg and Jacksonville-Duval, which would be among the largest according to a simple criterion of student popu-

lation. Nor did the sample of districts even share a still more fundamental characteristic: court-ordered busing. Incredibly enough, none of these districts had been placed under a court order to desegregate. Even after what appears to be a careful effort to document his suspicions, Coleman is left with nothing more substantial than his misattribution of a causal relationship to correlational data which only suggests that busing is associated with white flight, not that it causes white flight or that white flight is not predominantly determined by other factors.

Other social scientists have obtained contradictory data. Jane Mercer and Terrence Scout studied three desegregating districts and 76 which were not desegregated in California.[18] They found no white flight phenomenon there. Using the same data Coleman used, Reynolds Farley also failed to uncover any white flight relationship.[19] Cities whose schools were integrated between 1967 and 1972 did not lose white students at a higher rate than cities whose schools remained segregated.

Christine Rossell has presented one of the most challenging rebuttals of all; she supplemented the data used by Coleman with pre-1967 data and case history data she obtained directly from each of the 86 northern and western districts. Sixty of these districts had experienced some degree of desegregation. But in 58 of the 60 cities, court-ordered desegregation was not followed by a significant decline in white enrollment.[20]

Pettigrew and Green recently published a reanalysis of the Coleman data in the *Harvard Educational Review*.[21] Using an overtime analysis as well as Coleman's year-by-year analysis, they found a correlation of -.30 between school desegregation and "white flight." Another finding was that Coleman's results were obtained largely on the basis of the contributions of two cities Coleman added to his sample for reasons he did not make clear. Moreover, the nine largest cities Coleman omitted would have reduced the size of his finding.

The meaning and the place of Coleman's research and his public statements can be placed easily into the conservative framework described above. His research suggests that school desegregation brings about negative consequences which outweigh the primary intention of the effort. For this reason, nothing should be done to remedy the condition of segregated schools. What is even more

distinctly objectionable are Coleman's public policy statements, which purport to follow from his data, but which are obviously personal opinion.

Effects of School Desegregation on Academic Achievement

The type of research which is most clearly called for is that which fairly answers questions which are asked by individuals directly involved in school desegregation. If the entire process is to be properly evaluated by community members, there is a need for definitive research on the effects of desegregation on such basic factors as *school achievement* and *interracial attitudes*. It is true that research can be cited documenting either an increase or a decrease in school achievement and positive or negative changes in interracial attitudes. But when desegregation is widely demonstrated to be a part of successful school programs, one should not attribute school failure in other cases to desegregation *per se*. The effects of desegregation on achievement have been identified for both black and white children. Many of these studies were conducted with small samples and have limited implications.

Jessup used a sample of 98 black students in grades 2 and 5 and found that children in the desegregated schools scored higher on a general achievement test than did children in segregated schools.[22] Another older study by Wilson demonstrated that among sixth grade black students, desegregated students had higher reading and math achievement scores.[23] A more recent study by St. John on 984 black students in grade 8 showed that desegregated students had higher general and math achievement scores than did those in segregated schools.[24]

Some studies have attended to longitudinal comparisons of black achievement before and after implementation of school desegregation. In a study of voluntary busing to the suburbs in Boston, Archibald found that the reading and general achievement scores of 64 desegregated black students increased significantly.[25] In an early, ambitious effort, Hansen studied all black children in grades 3, 5, 6, 8 and 9 in Washington, D.C., upon the elimination of the dual school system. Using several measures of general achievement, Hansen found significant pre-test to post-test gains in achievement.[26] Another wide-ranging study involving a total system reassignment of 232 black students in Goldsboro, North

Carolina, was conducted by Mayer and his colleagues. The Stanford Achievement Test was used for both pre-test and post-test, and significant achievement score gains were observed in this sample relative to national norms.[27] A third total district study was done in Hoke County, North Carolina, by Maynor in 1970 involving 680 black students. On the California Achievement Test, black children showed significantly higher language and math scores after desegregation.[28]

Another approach toward extensive, broad-ranging evaluation is, of course, not to obtain an extensive sample, but to use a varied and complete battery of measures. Mahan, in the "Project Concern" research in Hartford, Connecticut, studied 197 desegregated and 244 segregated black students in grades K-5. Classes were randomly bused to the suburbs and then all students were measured on the WISC, the Primary Mental Abilities Test, the Metropolitan Readiness Test, the Iowa Test of Basic Skills, and the Sequential Tests of Educational Progress. Not only did the transferred students increase their IQ scores in grades K-3, but their achievement test scores also showed increments. The same pattern of gains was not evident in grades 4 and 5.[29]

In short, there are ample instances of black student achievement increases consequent to school desegregation, using several different measures in several geographical locations. White student achievement increments are not in short supply either, as indicated by several studies. Here again, several studies have achieved a degree of comprehensiveness, either in terms of size of the selected sample or in terms of the scope of the measures they have used. Dambacher's study in Berkeley, California, involved all whites in the school system in grades 1 to 6. On both the Stanford Achievement Test and the California Achievement Test, gain scores over two years were significant.[30] The study by Mayer also incorporated 111 white students in grades 3 through 5 in the total system reassignment there. Stanford Achievement Test score gains, relative to gains in national norms, were significant in grades 3 through 5.[31] A study by the School Board of Shaker Heights, Ohio, found that when white students voluntarily attended formerly all-black schools, there were pre-test to post-test gain scores on the Stanford Achievement Test in grades 4 and 6.[32]

While white student achievement increments are not the most

typical finding after school desegregation, there are several studies which solidly demonstrate that parents of white children have no reason to fear that their children's achievement scores will decline as a result of busing. Pichard's study in Chapel Hill, North Carolina, for example, showed that under a total system desegregation plan the overriding result was that there were no changes between pre-test and post-test on white pupils' Sequential Tests of Educational Progress scores.[33] A more limited study in terms of its sample size was conducted by the School Board of Rochester, New York, in 1970. In this voluntary reassignment plan in grades 3 through 6, no pre-test to post-test differences appeared on either the New York State Achievement Tests or on the Iowa Test of Basic Skills.[34] A third overwhelming display of "no difference" findings is found in the Slone study in New York City, in which fourth grade white students were compared on the basis of transfer to achieve desegregation versus non-transfer. On the Metropolitan Achievement Test and on the Iowa Test of Basic Skills, there were no differences between transferred and non-transferred students in any dimension of achievement.[35]

Summarizing the above studies on achievement changes in black or white students, there are few reasons to suspect that the achievement of either black or white students will decline as a consequence of school desegregation. Indeed, if school desegregation is assumed to be a cue for the prediction of achievement decrements, it would appear that the more basic and underlying reason lies in the biases of those who make such predictions and in the effects of other confounding conditions in the community where school desegregation is implemented. The point is that school desegregation *per se* simply does not bring about decrements in school achievement without the assistance of other factors.

Interracial Attitudes

In addition to achievement changes in blacks and whites, parents usually are concerned about the impact of school desegregation on interracial attitudes. It is often asserted that arranged contact between two races does not necessarily lead to improved attitudes between these two groups. Of course, this is true. But while it does not guarantee improved attitudes, it is a necessary condition if improvement is to occur. The factors which must be added

to mere contact between the races to promote integration would seem to be prolonged contact between students and the pursuit of common goals. Further, it must have the sanction of powerful authority figures.[36] When one compares the actual implementation of desegregation in the schools of most large cities to these optimal conditions, it is not surprising that proportional balancing between racial groups does not always bring about integration. More often than not, school desegregation is implemented in a climate of anxiety, resentment, fear and anger. In such a milieu, it is somewhat miraculous that any treatment, no matter what its intent or effect, is successful. It is surprising that several studies demonstrate that, in spite of, at best, tolerable conditions, school desegregation has led to improvements in interracial attitudes. Many of the important and decisive studies of this effect have reported positive attitude changes in black and white students.

While the method of pupil assignment varies in the studies of interracial attitudes, one of the most prevalently reported-on mechanisms is voluntary attendance. Gardner and his colleagues, using a sample of 130 black and 130 white pupils in Chicago, compared blacks who were voluntarily bused with nonbused blacks and desegregated whites versus segregated whites. After two years, it was found on the basis of semantic differential data that both blacks and whites had better images of each other in desegregated settings.[37] Another voluntary plan was reported by Orost, using only a sample of 49 white kindergarten children in New Jersey. After a few months of voluntary desegregation, it was found that these desegregated children had more positive attitudes than did children who attended an all-white school.[38] A third voluntary plan was studied by Useem in suburban Boston, Massachusetts, involving 1,042 tenth grade white students in eight high schools. After 1 to 3 years of desegregation, which was dependent on the voluntary effort of blacks, it was determined that, on the basis of questionnaires, whites' interracial attitudes had improved. It appeared that the more extensive the students' equal status contact with blacks and whites in school, the greater the attitude change in the positive direction.[39]

In addition to the studies reporting effects of voluntary desegregation on changes in interracial attitudes, other evaluations have been concerned with a wide variety of specific plans. But in several

of these, irrespective of the particular implementation strategy, improvements in the interracial attitudes of black or white students have been obtained. A study by McPartland, for example, with a sample of over 4,000 white and black students, demonstrated that overall attitudes of both blacks and whites became more positive.[40] McWhirt, in a study of tenth grade students in the South, found that after a year of desegregation, blacks became more tolerant of whites, while this adjustment was not achieved by whites.[41] Singer's study of fifth grade students in the North found that after two years of desegregation, black and white pupils having high exposure to the other race tended to be more tolerant than did pupils who remained segregated.[42] Finally, an ambitious study by the U.S. Commission on Civil Rights, involving more than 7,500 black and white students, reported that for both races, the degree of positive interracial attitudes depended on the number of years of experience in a desegregated environment.[43]

One way of summarizing these studies of interracial attitudes is to suggest that there is apparently little reason to suspect that school desegregation *per se* will bring about negative interracial attitudes. Yet some citizens might still hold suspicions that actual overt negative behaviors may be produced by school desegregation. Here again, the evidence for this suspected relationship is not strong. Indeed, several studies show that black and white children may either develop no significant affiliative change due to school desegregation, or they may tend toward affiliation with children across racial lines.

Among the studies showing no changes in affiliative tendencies is Aronson and Noble's in West Hartford, Connecticut. Sociometric testing showed that subsequent to six weeks of voluntary desegregation neither black nor white students had acquired significantly different tendencies toward cross-racial friendships.[44] In a study of almost 1,000 students in New York City, one year of voluntary busing for blacks produced no affiliative changes for white students but did result in black students choosing more whites as friends.[45] Another study showing neutral effects relative to affiliation is that of Kaplan and Matkom, which used a sample of 248 white and 88 black pupils in grades 2 through 8. No effects were observed for either blacks or whites.[46]

But, of course, the desirable effect of school desegregation is not

a neutral one. It is hoped that desegregation will promote a degree of integration incorporating a significant number of cross-racial friendships. Such effects have been documented. Justman observed that among a New York City sample of 277 white and black classes, one year of voluntary desegregation produced a greater degree of cross-racial acceptance with increased contact with the other group.[47] Koslin found this effect especially predominant among classrooms where the races were in a balanced relationship.[48]

One of the best studies on this issue was conducted by Patchen and Davidson. Using a sample of about 2,300 white pupils and 2,000 blacks, they found that with a greater proportion of blacks in the schools, more friendly associations were reported by whites, and fewer negative instances were reported by blacks. Also, it was apparent that a greater degree of interracial contact in elementary school was associated with friendly contacts in high school.[49]

In summary, these studies on interracial behavior strongly suggest that school desegregation by itself need not produce racial polarization, and may result in increased interracial affiliation.

Need for Additional Study

With these studies as a reference point, one might question the reason for such uncertainty about the results of school desegregation. One reason for this uncertainty is that the skeptic can quite easily find evaluations of school desegregation which strongly contradict the studies cited above. As long as it is possible to find such a mass of contradiction on so volatile an issue, public debate will flourish. Therefore, there is a need not only for additional evaluation studies, but for studies which are better designed and more definitive. The preliminary step toward more definitive evaluation of school desegregation is recognition that the desegregation which evaluators have assessed as though it were a single, unified treatment across situations is merely a factor interacting with a multitude of other school variables. When it is understood in this sense, the best prediction for its outcome would depend on other conditions present in the system, i.e., sound educational administration. These effects would vary not only in a given district with time but across school districts. The variability across districts would be due to mediating variables, unique to each district, for

which school desegregation merely sets the scene.

An evaluation of school desegregation should be a total system evaluation. The multitude of variables unique to a specific school system comprise the milieu in which school desegregation will indirectly bring about either positive or negative school outcomes.

Other problems in previous evaluations also must be addressed in the future. Just as few commonalities exist in the conceptualization or implementation of desegregation across cities, there is also a diversity of measuring instruments and research designs in current studies. For example, most evaluation studies employ school achievement as a dependent variable, but not all studies have the pre-test data on achievement which is necessary for a trend analysis. These studies have been strictly cross-sectional analyses and are limited in their ability to describe the effects of school desegregation on a specific sample of pupils. Equally as troublesome as the absence of powerful longitudinal designs has been the absence of common measures. Too, instruments which purport to measure academic achievement do not, of course,measure exactly the same dimensions of academic achievement.

Differences in design and measures across evaluation studies produce uncertainty on attitudinal and affective factors also. For example, it is difficult to find two studies of school desegregation which conceptualize and measure anxiety in the same way. Even if the conceptual variables were similar, typically they were not placed in the same research design.

In the last analysis, no study is completely definitive. One of the roles of the social scientist should be to respond to the urgent need for development of powerful research designs, standardization of measurement techniques and uniformity in the definition of variables. If evaluation studies are designed to measure the impact of school desegregation in the context of other educational variables, desegregation will be conceptualized publicly as only one of several interacting factors determining the total impact of education on all students. Social scientists engaged in the evaluation of school desegregation must recognize they are not studying a monolithic variable. From the broader perspective, their cooperative functions are to identify which variables interact with school desegregation and to search for ways to achieve the optimal combination of all factors in determining its successful implementation.

Summary

In the major presentation, Robert Green discussed the conflicting positions of conservative and liberal social scientists. In the area of desegregation research, the former have offered research data which directly or indirectly perpetuates social injustice. The work of the latter group has helped to further the cause of equal educational opportunity.

Green recommends that research today should objectively evaluate the outcomes of school desegregation. In this type of research, the emphasis should fall on improving our ability to explain and predict the outcomes of school desegregation implementation as it interacts with the multitude of variables unique to each school district.

Green reviews a number of studies which demonstrate that school achievement and interracial attitudes show positive trends after the implementation of school desegregation. But, he observes that an improvement is needed in the design of evaluation studies so that they consider the interaction of school desegregation with other variables.

Reacting to Green's presentation, Ray Rist eliminated many factors involved in school desegregation in an effort to more narrowly define the major problem. He concluded that the basic problem is not busing *per se* since busing, a means of transportation to and from school, has a well-established acceptance in this country. It is not educational achievement. Nor is it *de facto* segregation, although *de jure* segregation remains a problem. The problem is not the principle of school desegregation, since most Americans are prepared to accept this basic principle. Finally, the problem is not that school desegregation cannot proceed smoothly. It has on several occasions.

One major problem with school desegregation is its apparently random occurrence in northern cities. Distributive justice is implied as city after city is made the focal point of litigation. A second aspect of the problem is that most metropolitan areas continue to use the existing boundaries of school districts as limits within which desegregation must occur, thereby excluding the suburbs. Resistance to federal control also continues to pose a problem, due to the public's lack of understanding of its limits. Finally, the problem

has been exacerbated by the relative failure of the courts to construct creative and effective desegregation plans.

Rist disagreed with Green on the value of basic evaluation research on the outcomes of school desegregation. He believed that beyond a point such information will be relatively ineffective in shaping public opinion or identifying ways in which desegregation can be implemented successfully. Rist recommended new emphasis on process studies and on the political dimensions of the issue.

The next respondent to Green's paper was Reynolds Farley. Farley asserted that more studies on the outcomes of school desegregation like those cited by Green would accomplish little. Farley said that if social scientists had set out long ago to conduct a definitive sequence of studies on school desegregation as they have concerning other topics, the configuration of the available literature on the topic would be much more substantial. On the other hand, it should not be assumed that these more adequate studies would have had any more positive impact on actual school integration.

Farley agreed that busing *per se* is not the issue, and suggested that there might be a need to subsidize more school busing in general in the United States.

He also commented on some issues not addressed in Green's paper. First, research ought to be conducted on the perception of blacks' values by whites, and vice versa. What must be realized is that school desegregation requires intimate contact between allegedly discrepant value systems. In that regard, these discrepancies should be understood and the areas where discrepancies do not exist should be identified for both groups to see. Second, social scientists are in a position to call the public's attention to the established fact that school desegregation can be accomplished successfully.

Workshop

The workshop session dealt with the task of identifying the specific responsibilities of social scientists. There was general agreement that social scientists are not now in a position to obtain final answers about the outcomes of school desegregation due to the current nature of broad social policy. In part, the research

agenda of social scientists is written by the federal government and follows current federal funding practices.

Yet the social scientist should not be passive. Future research should be conducted on community organization and the other factors which influence the success of desegregation implementation.

Also, social scientists should develop their roles as consultants to school systems to foster an understanding of how school desegregation can work. Some social scientists have unique expertise in the dynamics of organizational behavior. In this regard, the school system can become a laboratory and those who have a personal interest in the system will be the benefactors. Specifically, students should receive the most benefit from social scientists' endeavors. This will occur if schools are transformed into more humane institutions in the process of desegregation. This should be an integral part of the designing of any plan for implementation.

Recommendations

1. In general, social scientists ought to conduct research which is forward looking and based on liberal foundations rather than research which fosters injustice or implies inequity in its outcomes.
2. There is a need for additional research designed to challenge the implications and the legitimacy of the questionable assertions of some social scientists. Crucial studies are needed to define the distinction between good research and personal conjecture.
3. One line of research which continues to be relevant is that which deals with the effects of school desegregation. Academic achievement, interracial attitudes and violence in the schools are some of the variables which should be studied relative to their association with school desegregation.
4. In the continuing effort to establish precise ways in which school desegregation relates to important educational variables, better research designs and evaluation studies will need to be developed. Some examples of more sufficient approaches are longitudinal designs as well as cross sectional analyses which identify the school factors that mediate the effects of school desegregation.
5. In shaping the successful implementation of school desegregation, much of the research should be concerned with the process of desegregation rather than with the probable effects of desegre-

gation on academic achievement and attitudes.

6. Social scientists also must address themselves to questions of social policy surrounding successful implementation. To the extent that policy is a foundation of planned social change, its effects must be understood and managed.

7. Researchers should direct their attention in part to the fears of minorities and the majority concerning desegregation, perhaps attempting to show that attitudes and values of the majority and the minority are not wholly discrepant.

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3

The law and desegregation: what board members and administrators must understand

Louis R. Lucas

In a national climate of hostility to civil rights, litigation has been the one sure way to keep school desegregation moving forward. Desegregation cases require carefully researched data. That's where lawyers find social science research useful in their roles as legal advocates.

Our courts exist to defend the minority from the tyranny of the majority. In the case of school desegregation, sooner or later, the minority is going to demand justice—and get it. Therefore, school boards should avoid being taken to court, even though that means they will have to desegregate their schools themselves. A desegregation court suit polarizes the community, costs millions of dollars, and inevitably will be decided in favor of the plaintiffs.

Wherever desegregation cases have been filed, they have been initiated by the NAACP. The pressure on the NAACP to file desegregation suits all over the country is enormous. School boards must realize this. Every time an action against desegregation in one system is started, the NAACP's constituency pressures all the other NAACP branches to file suit too. Every time a lawsuit is filed in one place, 16 branch presidents come to the national office in New York to ask, "Why that school system? Why not us?"

Some people in this country have the misconception that blacks are against desegregation. The white man who owns an au-

tomobile repair shop says, "I talked to the black guy who sweeps my shop, and he's against busing." Or, a white mother says, "I talked to my maid, and she's against busing. The blacks don't really want busing, and don't want desegregation." Well, we went to the NAACP convention in Memphis last June and discovered black people—upper-middle class, poor, young and old—in the legal office asking when a suit could be filed in their community to desegregate their schools. At the NAACP convention last year in New Orleans, the same thing happened. The national NAACP's legal office is piled with stacks of letters from people requesting the NAACP to file suits in their communities. Any school board which does not desegregate its own schools will be faced with a court desegregation suit sooner or later.

If a system refuses to desegregate, it should prepare for a polarizing, expensive lawsuit, and it should set aside about a million dollars for attorneys' fees. In Cleveland, the school board lawyers' fees amounted to $600,000 for just one year of the three or four years of court litigation there. That did not include what it cost the board administratively to answer interrogatories, for four or five people to find the information needed to perform what I call an autopsy of the school system. The civil rights lawyers end up knowing more about the school system than the school system itself does. They find out how it became segregated. For example, why do some schools change from white to black? What happened during the process of change to protect whites, as long as possible, from the population pressures and the increases of black enrollment in those schools? When did the factors flip-flop?

Desegregation cases are not decided on hot air, but on long, tedious, cold facts. I can usually tell by the second day in court when a school case is going well. The people sitting on the benches cannot stand another statistic, and they leave. The judges say, "But why 1893?" Because in 1880 black parents appeared before the school board and issued a plea to end segregated housing and, consequently, segregated schools. Then 40 study commissions, including innumerable parents, the NAACP, the Urban League, and many ad hoc and organized committees, appeared before the board of education, saying essentially the same thing. Yet the board denied knowing that segregated schools would result. Board members consistently claim that segregation was an

accident, even though 80 percent of the schools built since 1950 opened with black enrollments of 90 percent or more.

When a school system is taken to court, the board should develop its own desegregation plan. The plan should be comprehensive in scope, providing for immediate desegregation. Many of desegregation's problems come from putting only a toe in the water and wading inch by inch. Total immersion is the best way to desegregate a school system. The usual process of bidding once the case is lost should be avoided. Bidding involves the school board's presenting the judge with alternatives to busing, such as free choice plans or magnet schools.

Some judges can be persuaded about the uselessness of alternatives to busing when they hear the facts. Judge Layton, the original dissenting judge in Wilmington, said that the development of magnet schools was a very attractive idea when first presented. However, after hearing how they had not worked in various cities, he concluded that magnet schools had never desegregated schools anywhere. At first Judge Layton opposed a metropolitan remedy, but after the remedy hearings were completed, he ruled for metropolitan desegregation. Also, the late Judge Steven Roth, the oldest, most conservative judge on the bench in Detroit, heard the facts and changed his mind.

I am concerned, as a lawyer and advocate, about lawyers advising school boards to drag out desegregation cases with appeals. Delaying the total immersion in the desegregation effort merely prolongs the agony and makes the lawyers rich. Many lawyers have become rich defending school boards to the last dollar—a dollar coming out of the pockets of black and white people.

This is why the courts have begun to order the losing school boards to pay the plaintiffs' attorney and cost fees. The plaintiffs' bills were getting larger and larger paying for the defendants' motives. Making the school boards pay the court costs is a recent innovation in civil rights law resulting from congressional legislation and the growth of private attorneys' general fees. State school boards also may start weighing segregation's costs. A recent 9-0 Supreme Court decision in *Fitzpatrick* v. *Pitson* removed some of the states' immunity from financial responsibility for what happens in their schools.

I do not advocate more litigation, but more is necessary. It is

particularly necessary today when the government has not only ceased enforcing civil rights law but is actually misusing statutes designed to help black children and their parents in school desegregation cases. Statutes designed to authorize the Department of Justice to intervene and assist in desegregating schools now are being used to defend segregation. Illusory remedies, like the recent arguments for the school-by-school approach specificially rejected by the Supreme Court, are being proposed continuously.

A semi-annual reelect-me-to-Congress bill passes the House of Representatives each year to try to obstruct the desegregation process. As a result of the recent Esch Amendment, for example, the Department of Justice went around the country trying to obtain stay orders. The justice department was kicked out of court after court and reminded that six months before, it was arguing *for* the Constitution, not *against* the Constitution. Arguing against the Constitution is a difficult position for the Department of Justice and the Civil Rights Division to take.

Unfortunately, politicians have their own private vipers, called ambitions, and they will say or do almost anything to get elected. They all have their shorthand ways of reassuring whites that all is under control. Maybe the best we can hope for from some of our politicians is that they will enforce and obey the law, instead of trying to undermine it.

A major reason why desegregation is so unpopular is that it opens up the school system to public scrutiny. School desegregation can be used to bring attention to problems of schools; if that is done, the fight has just begun. Desegregation can expose the need to do something about achievement, about teachers who do not care about youngsters, about school systems interested only in custodial situations for children, about people who have given up and about people who program children for failure. All of these problems can continue to exist under desegregation. Sometimes, people who favor desegregation oversell it. School conduct codes, for example, should not be linked to desegregation because they are needed with or without desegregation. Similarly, the problems of dropouts and pushouts are important regardless of desegregation. Reading programs are not needed merely because blacks are now going to school with whites. If children, black or white, have reading deficiencies, they need a reading program. These things

will continue to exist. The desegregation process, however, often provides new tools for working with the problem.

The media should help open the school system to public scrutiny. Lawyers sitting in their offices and law libraries are insulated from the reality of segregation except through exposure granted by the media. Newspaper editorials on the subject, however, are often out of touch with what is really happening. The perspective of the educational reporter in the field is often lost on the editorial staff. We also have lawyers, who have not tried a school desegregation case in 15 years, writing articles about them.

In actually trying a school desegregation case, though, a lawyer gets phone calls from people who want to talk about what is really going on in the schools today. Our children are being brutalized. Even in segregated systems, blacks are being forced out of schools. Radio and television, however, give too little time and provide too little information about desegregation. They give us but a brief picture. They have great influence, however, because they can sell hate and fear. As William Grant noted, the *Richmond (Virginia) News-Leader* influenced massive resistance throughout the South for ten years, and during the Richmond hearings, editorials and editorial cartoons showed Richmond trying to spread its cancer to the suburbs.

Social scientists also are needed to shed some light on our schools. It has been said at this conference that no more social science research is needed. As a litigating attorney, however, I say that we need biting data to refute false prophets such as James Coleman. It is imperative to obtain both social science data and data analysis. Judges are human beings and they like to be given the facts. They like to have demonstrated to them that there is some point in what they do.

Unfortunately, many school boards are unable to see the cost of segregation in human terms—in terms of what segregation does to black and white children and how it promotes false perceptions. Perhaps, if the school boards figured the human costs in dollars and cents they would be sued by the taxpayers.

School desegregation is not going to correct a hundred years of segregation, discrimination and harm to children in the first year. Today's children are products of a segregated society and segregated schools. Their attitudes, perceptions, achievements, and

their teachers' attitudes and teaching skills will not be changed overnight. All we can hope to do through desegregation is to open up, ventilate and shed light on the problems of our public schools. This will be the most effective accomplishment of desegregation.

The problems of and turmoil about school desegregation arise today, not because of its failures, but because it is beginning to get closer to more people. When desegregation was occurring in Memphis, Mobile and Birmingham, it had seemed very simple to northern people. When desegregation came to Detroit, Kalamazoo and Lansing, people found the issue difficult and complex, relating to the very fabric of society.

I am optimistic that school desegregation will help our schools. Some in the court system would like to see the courts get out of the business of school desegregation. They think the courts can deal with very complex anti-trust suits or very technical chemical patent problems, but they do not think the courts are equipped to deal with anything as complex as the reassignment of children from school A to school B. What they simply mean is that desegregation is unpopular.

We can only maintain our pluralistic society, however, by moving forward with desegregation. If state and local school boards do not assume their responsibilities, we must go to court and vindicate the rights of the minority.

Summary

In the major presentation, Louis Lucas stressed the inevitability of desegregation and the costliness of trying to defend segregation in the courts. Lucas also argued that the problems of and turmoil about school desegregation is related to unearthing the very essence of racial mistreatment in our society.

Responding to Lucas' speech, John Porter agreed with the use of the judiciary to effect desegregation. He was, however, critical of lawyers attacking or antagonizing the school board. Such actions make it difficult, if not impossible, for lawyers to work with the school board as a team in solving the problem of desegregation.

Porter also noted that it is frustrating during a desegregation suit that lawyers are the only ones who can talk to the presiding judge. A state superintendent is unable to use his knowledge and position

to present a case for the children in his school district. He must rely totally on the lawyers in their advocacy of total school desegregation.

Christine Rossell, the second respondent, added to Lucas' comments some observations based on her own nationwide research. In addition to the great amount of money wasted in lawyers' fees and court expenses, she maintained that appellate action is detrimental because it delays legitimizing a court order and institutionalizing the desegregation plan. Also, if people think the court order will eventually be overturned, they will neither accept it nor comply with it.

Although many politicians say that court orders and the law cannot change opinions, Rossell strongly refuted this. The greatest change in opinion toward racial integration in the South has occurred in the areas where there has been the most court-ordered desegregation. Only when people believe the desegregation plan will be implemented will they accept it.

By supporting the law, board members will not necessarily be defeated in the next election. According to Rossell's research on school board incumbents, the public does not blame board members for court-ordered desegregation. Leaders have a stake in insuring law and order in their city because they will be blamed for the lack of law and order no matter how hard they run from the issue of school desegregation and the court order.

Workshop

To gain some perspective of desegregation litigation, workshop members examined the legal and social status of desegregation. As a constitutional right, desegregation has been assigned a second class status, since inadequate public resources are committed to its implementation. When a First Amendment right is vindicated by the Court, the response is immediate: public officials are enjoined from further interference with the enjoyment of the right. Yet, when the constitutional right of desegregation is vindicated, the court typically gives school officials years to obviate the constitutional rights of the plaintiff.

There exists today an inadequate national commitment to end segregation. Workshop members discussed the lack of support in implementing a desegregation order once the case has been ad-

judicated. At this stage, the issue is no longer whether citizens of a community agree with desegregation, but whether they are prepared to support and comply with the legal system of this country. When school officials, community leaders, and even the President of the United States, publicly declare that they do not support busing, the result is that the effectiveness of the court order and the entire judicial system is undermined. The dominant theme in the workshop was that the judicial system must be used extensively to have any real impact on desegregation and national educational policy.

Recommendations:

To eliminate present dysfunctional approaches to desegregation, workshop members suggested alternatives to practices presently employed by attorneys. These include:

1. Continuing to reaffirm that segregation is morally wrong, as well as unconstitutional.
2. Advising those who support desegregation to take the initiative in defining the issue.
3. Encouraging more school systems to initiate court cases to desegregate to eliminate the adversarial nature of lawsuits.
4. Advising plaintiffs to offer plans which address all the harmful effects of past discrimination and segregation. Such plans should also include strategies for achieving integration once the district has been desegregated.
5. Developing methods to reduce the time span from initiation of a suit to final implementation of the desegregation plan.
6. Demanding that the courts discontinue their practice of allowing inordinate time periods for compliance with desegregation orders.
7. Devising ways to more adequately fund and staff the legal team of the NAACP and other groups working to improve public education systems.
8. Developing a school desegregation library for national sharing of information to reduce the duplication of successful desegregation strategies.
9. Explaining how litigation strategies develop and how they are related to the desegregation efforts of school boards, superintendents, the media, and all other participants in the desegregation process.

4

How does a district mobilize for desegregation?

Thomas K. Minter

Does the school superintendent—as the community's educational leader—play the main role in successful implementation of school desegregation? Or, should the superintendent be more concerned with holding the hands of various political factions to avoid turmoil? The personality and power of the school chief is important, but there are ways to mobilize help in facilitating a smooth transition from segregated to desegregated schools.

The United States District Court in Delaware in *Evans* v. *Buchanan* has ordered the desegregation of the Wilmington, Delaware, Public School System through an interdistrict remedy.

The court has decreed that ten of the suburban districts in surrounding New Castle County and the District of Wilmington "shall be desegregated in accordance with the opinion of this Court and shall be reorganized into a new or such other new districts as shall comply with the opinion of this Court issued on May 9, 1976."[1]

In addition to establishing the geographical boundaries of the desegregation area, the court addressed the questions of racial mix, governance, and implementation time.

Speaking to the question of racial mix, the court said, "The Court will consider that any school whose enrollment in each grade ranges between 10 percent and 35 percent black to be a *prima facie* desegregated school."[2]

In the matter of governance, the court established a five-member interim board of education to be made up of representatives from the

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existing eleven boards of education. The interim board is charged with planning for and gradually assuming educational control of the desegregation area, developing and implementing the desegregation plan, and governing the resultant school system as of September 1, 1977.

Concerning a timetable, the court set September 1977 for the integration of intermediate and high schools, and September 1978 as the date for "full compliance with the constitutional requirements on all grade levels."[3]

The court was specific in these three areas and established guidelines in several other areas, such as the continuance of bilingual education for pupils now receiving such services. However, it side-stepped the issue of faculty and personnel desegregation except in referring to pending actions by the Equal Opportunity Commission against the State Board of Education and other school districts within the state.

As the court order sets forth, power will gradually transfer from existing school boards to the interim board of education which will operate the school system during the initial stages of desegregation. The present local boards will cease to operate on July 1, 1977.

Thus, the 1976-77 school year provides a period of preparation for the implementation phases by the State Board of Education (who as defendant has primary responsibility), the interim board, the Wilmington board, the boards of the ten suburban New Castle County districts in the designated desegregation area and the chief school officers and top administrators of the state and local boards.

The desegregation of public schools, whether voluntary or court-ordered, provides educators and communities with opportunities for making substantive changes in the educational program being offered to the children. It provides an opportunity to develop a *new curriculum* that will meet the needs, talents and abilities of all children.

However, education occurs in a political and social context, and educators must have a thorough understanding of the sociology and politics of education and of desegregation if they are to formulate workable strategies for implementing integration in public schools.

For purposes of this paper, there are three basic terms that must be defined and referred to as separate reference points in school desegregation:

1. *School desegregation* is the physical movement of children—

the reassignment of children and staff within a specified geographic area to change the existing racial composition of student and staff populations within those schools.

2. *School integration* means the full participation of minorities in every area of the school system—curriculum, classroom activities, all extra curricular activities—with the full support of the school administration, teachers, and community without placing the burden on the minority students or the minority community.

3. *Quality education* is realized when effective educational programs for all students are provided. One administrator describes it as "a broader master schedule, more specialized classes and a faculty that has learned how to provide a flexible stance, adopt more flexible teaching styles toward classroom teaching."[4]

Socio-Politics v. Educational Planning

If the social and political sciences were neat and tidy entities, the socio-politics of school desegregation could be addressed and controlled by boards of education, the educational policy-making bodies; and superintendents of schools, the educational leaders could devote their full attention to planning, initiating, and developing programs of education for students. In reality, however, the social, political and educational aspects of desegregation are so intertwined and have such widespread implications for the community that it is impossible to assign to educators and/or school boards, specific, narrowly delineated roles. School superintendents must understand the political climate in which school desegregation takes place, and boards of education must understand the educational implications of their policies.

In today's conservative political and social climate, many politicians, journalists, social scientists and educators, under the umbrella provided by "research" on the outcomes of school desegregation, are making speeches or writing in scholarly and popular journals to discredit the national effort that was being made by the U.S. Department of Health, Education, and Welfare and the courts to implement the *Brown* decision.

Led by the legal moves of the President and the attorney general to limit school integration by limiting busing, the group of prominent politicians, intellectuals, and journalists, whom Martin Kilson of Harvard calls the "neo-conservatives,"[5] have become the spokesmen for

those who would turn back the clock to *Plessy* v. *Ferguson*.

Political scientists and sociologists such as Nathan Glazer, journalists such as James J. Kilpatrick,[6] and educators such as Christopher Jencks and David Armor,[7] have all espoused questionable opinions that tie the racial desegregation of schools to performance levels of minority children. They are leading us down a divergent path when they write about the failure of "busing experiments" and attempt by false analyses to discredit the court's mandate to dismantle racially identifiable schools.

These socio-political efforts cannot be allowed to become the focus of educators' or school board members' activity. Superintendents and other educators must be prepared to deflate myths and misconceptions being used around the country to discredit efforts at public school desegregation.

It must be noted that polls taken over the past several years, which indicate a loss of confidence in public education, reflect nationwide public opinion, not just the opinion of the citizens in cities or school systems under court-ordered or voluntary desegregation plans. The apparent failure of public education and the problem of white flight from cities[8] cannot be attributed wholly to mandatory or voluntary desegregation. These facts must be made clear and remain clear as the school system mobilizes for desegregation.

Each school desegregation case is unique. Yet, there are factors common to most cases. There are many determinants of whether or not the community will be desegregated peacefully and successfully in the earliest implementation stage: the quality of human leadership; community acceptance of the decision and involvement in the planning for desegregation; the attitudes of parents, students, and school personnel; help or lack of it from the business community; help or lack of it from political leaders and elected officials; the comprehensiveness and specificity of the court order; and the willingness of all segments of the community to obey that order.

In *School Desegregation: A Report Card From the South*, John Egerton writes about the "... overlapping and, at times, conflicting legal, political, educational, social and economic concerns ..." that are involved in school desegregation, such as busing.[9]

But busing is a socio-political issue that cannot be allowed to gain a legitimate place as the basis for educational policy and program-making. When busing is considered as a socio-political issue, the

argument might be that busing is a failure or a disappointment. Why bus for integration? However, to bus students to school for desegregation purposes is but another use of the school bus for transportation purposes. Other purposes, taken for granted in American education, are busing for consolidation of schools, for safety and for distance.

If busing for desegregation is to be fought on a social and political basis, then so be it; but educational leaders should not permit false generalizations to be made about busing and desegregation. There is an article in the June 1976 issue of *Psychology Today* entitled "How Busing Failed in Riverside."[10] The subtitle, prominently displayed on the front cover of the magazine is "A Busing Experiment that Failed."

A close reading of this article reveals that several findings of the authors, two social psychologists, were much more sympathetic toward school desegregation than either the title or subtitle of the article indicate. The authors wrote:

> Despite our findings, it is interesting that the attitudes of minority and white parents alike have clearly remained favorable toward the desegregation program. Similarly, unlike other cities in which court-ordered busing has escalated community conflict, the morale of teachers and administrators in Riverside remains high.
>
> . . . . . .
>
> They now point with pride to a pair of schools in which they claim that the average scores of minority children on the state-mandated achievement tests exceed those of whites. It is not clear whether this is the result of particular characteristics of the staff at those schools, or the fact that they lie in mixed residential neighborhoods, or of special educational programs that have been implemented in them.

It appears that the magazine and the authors of the article used the title and subtitle primarily to boost sales of the magazine with the certain knowledge that the public would buy anything that purports to show busing for integration in an unfavorable light. This illustrates the need for vigilance and rigor on the part of educational leaders in their approach to educational planning and policy-making for the desegregation of public schools.

Several other factors seem to have a greater impact at a later stage of implementation: whether or not the full intent of the court order is followed with or without prolonged legal maneuvering and whether or not the state and local education officials and board members, usually the defendants during the liability and remedy phases, place

their full energies, resources and commitment behind the implementation of the court order once it has been handed down.

The attitudes and competencies of superintendents of schools and top administrators will be critical in planning for successful desegregation within the socio-political context.

The Educators' Role in Providing Leadership for Boards of Education Preparing for School Desegregation

Legal and constitutional considerations notwithstanding, the desegregation and integration of public schools is fundamentally an educational process from which the public, parents and taxpayers have a right to expect effective instruction for all children.

In advising and planning desegregation with boards of education, and specifically in this case with the local, state and interim boards in New Castle County, superintendents and top administrators must use their expertise on effective educational methods, techniques and practices.

Teachers and laymen, especially those from suburban communities, have expressed much concern that the quality of education which their children have been receiving will be diminished by the mixing of students in school classrooms after desegregation. An increasing body of recent research in desegregated classrooms is proving that these concerns are not based on fact.

On the other hand, black and Hispanic parents, community representatives and teachers are concerned that minority students may not receive appropriate instruction within a desegregated classroom environment, that they may be "pushed out," or otherwise consigned to the category of the ineducable. These concerns, too, must be addressed.

Studies on classroom anthropology and climate seem to indicate that the key to in-school performance and achievement is highly related to the student's sense of self-efficacy, to the individual teacher's expectations for students and the establishment of a strong commitment by the teacher to the student's achievement.

Brookover's recent study on climate and achievement in Michigan schools revealed that children can achieve in both low and high socio-economic status schools; that "the success of instruction in the classroom has more to do with the students' feeling that they have control over their mastery of the academic work and that the

system is not stacked against them;" that "teachers care about their academic success and that the teachers and students offer reinforcement for high academic performance;" that high expectancy and "... teachers' commitments are expressed in the instructional activities which absorb most of the school day;" that "much time is devoted to instructional activity"; that "teachers consistently reward students for their demonstrated achievement in the academic subject and do not indiscriminately reward students for responding regardless of the correctness of their response."[12]

A study by Boardman, Davis and Sanday reinforces the Brookover findings and presents findings about the differences in perception of their teachers' expectations that are held by black and white students:[13]

> Among the endogenous variables for both races, the teachers' influence appears to be largely that of shaping attitudes, instilling confidence in the students, motivating them, and affecting their belief about whether there is a reward for hard work and whether effort, rather than luck, might be the most important ingredient in determining their destiny.
>
> This evidence indicates that among the endogenous variables for both races, motivation depends primarily upon students' perception of the expectation which parents and teachers have for their academic performance. While a black student's own achievement has an important positive feedback to his motivation, there appears to be no such feedback from achievement for white students. Similarly, a white student's motivation does not appear to affect his perception of his teachers' expectations for him, but a black student's motivation does exert a positive influence upon his teacher's expectations. All these results serve to highlight the roles for both races which teachers and parents play in motivating students by simply getting them to perceive that they are expected to achieve.

Sanday concludes the section in her paper:

> Finally, one should note that not only is achievement directly influenced by expectations and efficacy, but these variables are also affected by achievement and this finding obtains for both races... This evidence tends to confirm the old idea that success breeds success, and it is not dependent upon race for its veracity.

Educators must fashion a "new" curriculum for all students, which takes into account and maximizes the cultural and life experiences of black and other minority students if desegregated schools are to become truly integrated and if the drop-out rates of minorities in integrated settings are to be substantially diminished.

The specifics of the curriculum in every area must be laced with activities, materials, and performances that provide opportunity for minority pupils to "barter" or "trade" their own cultural and neighborhood experiences and skills, which are not always appreciated by teachers, for experiences and skills that are appropriate to schools and to formal learning situations.

It has been said that "schooling can get in the way of education." Anthony Wallace, a noted anthropologist, illustrates this point when he writes about some of the things he learned outside of school or in non-formal settings: "... to feed myself, walk, drive a car, play tennis, scrub my ears and write halfway decent prose ..."[14]

Teachers know the meaning of Wallace's statement but are seldom trained in the techniques which will allow children, especially minority children, to trade their cultural and self-taught experiences for others valued by the formal schoolroom.

I am not certain that the black child needs a "different" curriculum. Rather, he needs to know that his contribution is appreciated on an equal basis with that of his school and classmates and that the contributions of his culture and ethnic heritage are different, yet are equal to others. It is the manner in which individual pupil contributions are accepted and in which materials are presented and taught that helps children pick up and develop positive attitudes toward themselves, their teachers, their classmates and to formal schooling.

Knowledge of ethnic studies and cultural pluralism must be found in the curricula of all desegregated schools and classrooms. Students, especially minority students, must know that others value and respect the heritage and cultural customs that they know, enjoy and feel "at home" with.

For example, Henry O. Tanner was an American painter who was black and Thomas Eakins was an American painter who was white; Nat Turner was a black slave who sought his freedom enough to die for it in the same way that Nathan Hale, who was white, was prepared to die for his; U.S. Representative Barbara Jordan, who is black, serves the people of her congressional district in the same way as does U.S. Representative Elizabeth Holtzman, who is white.

When the class studies about American painters, Americans who

fought for their personal freedom, and representatives in the U.S. Congress, the names of black Americans and other minorities should be placed beside those of white Americans, according to category. Most frequently, minority contributors to society are not integrated into the curriculum and are left for racial and ethnic classifications at special times of the year or on special occasions.

It may sometimes be appropriate to categorize people by ethnic or racial background; however, true cultural pluralism is expressed when all contributions and characteristics attributed to an individual are not circumscribed by racial identity. This point is not to be confused with advocacy for the "melting pot" theory; rather, it is a recognition of diversity within unity and of individual worth within other than racial or ethnic classifications.

This writer agrees with Bernard Watson, academic vice president of Temple University in Philadelphia who states in his book, *In Spite of the System*, that all pupils, and especially minority pupils, must be grounded in basic skills and knowledge and taught by teachers and administrators in a caring educational environment.[15]

Superintendents of schools who are planning for the desegregation of public school systems must insure that provisions are made for the training of teachers, administrators and paraprofessionals who will be both knowledgeable and perceptive of childrens' need for self efficacy and who will be skilled in providing a school and classroom climate which will meet this critical need.

The Role of the Interim Board

The responsibility for developing a socio-political and an educational climate conducive to beneficial school desegregation rests with the interim board of education in the Wilmington desegregation case.

One of the ironies of public school desegregation is that frequently the same state and/or local school boards that were defendants in the liability and remedy trials are charged with implementing the court's desegregation order. Such is the case in Wilmington.

Yet, there is no other legal or politically feasible way to bring about the desegregation of schools. The vested authority for developing plans for implementation of desegregation and for the operation of desegregated public schools should remain in the

hands of the state and state-appointed agencies and/or elected officials.

The thirteen members of the interim board[16] must come together to develop a plan for effective integrated education of all children in the new desegregation area. This will be difficult. Educational policy makers faced with developing an effective future-oriented system of integrated education must perform with equity and without making educational and political compromises that will place an unequal burden on minority students and communities. Often it will be necessary for the members of the interim board to move beyond the "conventional wisdom" and the "new conservatism" orientation of some of their neighbors and of some educators.[17] This is the challenge facing the interim board, the state board and the boards and administrators at local levels.

In mobilizing for desegregation within New Castle County, the interim board of education must develop the best possible educational plan for the pupil population of the desegregated area. The board members must plan for the total system, rather than to "protect" the specific and often narrowly construed socio-political interests of their former districts.

In planning, the interim, state and local boards and administrators must build on the experiences of successfully desegregated school systems throughout the nation to avoid the pitfalls that have resulted in resegregation, unfair discipline practices and placing the burden of desegregation on the minority pupils and community.

A second and equally important aspect of planning is to make certain that lack of adequate planning and foresight in the physical and operational phases does not cause unnecessary public apprehension or parental fears for the safety of their children. This would result in widespread antagonism and lack of acceptance of implementation of the desegregation plan.

Desegregation Pitfalls to be Avoided

One need only look at the history of school desegregation to develop a checklist of negative experiences that have thwarted successful desegregation. A few of these practices are highlighted here to bring them to the attention of desegregation planners. Several pitfalls have been listed by an Athens, Georgia, black lawyer:

> . . . a disproportionately high percentage of black students is locked into special classes for "dumb kids," and far too many of them are making no progress academically.
>
> . . . problems with segregated classes, with the administration of discipline, with extracurricular activities, with the lack of black educators in positions of authority and with the closing of formerly all-black schools.[18]

Other specific pitfalls to be avoided include the following:

1. *Unfair and inequitable suspension and expulsions.* Evidence is abundant in desegregated school systems that blacks and other minorities pay the highest penalty in terms of disciplinary action, suspensions and expulsions after desegregation. In Hillsboro County, Florida, for example, records kept by the school system indicated that the number of suspensions increased from less than 5,000 in 1970-71, the year before desegregation, to more than 10,000 in 1973-74, and that about half of the latter figure was made up of black and minority students. John Egerton points out that in Charlotte-Mecklenberg, "the proportion of disciplinary cases involving blacks . . . is almost twice as high as the proportion of blacks in the total enrollment, and that is a matter of continuing concern."[19]

2. *Resegregation of classes and programs.* There is also ample evidence that resegregation of students occurs within schools and classrooms of school systems that have undergone desegregation. This resegregation results from an absence of positive programs to bring students together, from actions by teachers and administrators in designing curricula and master schedules and from lack of provisions to permit transported students to take part in school and extracurricular activities.

3. *Absence of good-faith implementation of court orders.* All too often governing school boards and elected bodies have failed to carry out the spirit, and in some cases, the intent of the court order, placing unfair burdens of transportation, reorganization and reassignment on the minority community.

4. *The temptation of voluntary plans.* In the Wilmington desegregation case, the court left the way open for the trial of voluntary methods for desegregation, but it also made clear that it will "require the Plan to achieve actual effective desegregation for all affected grades by the second year of operation."[20]

The court's position has encouraged some suburban citizens and legislators to attempt development of voluntary plans during the present summer and the 1976-77 school year.

It is not advisable to encourage the development of voluntary desegregation plans. Numerous districts around the country have found it necessary to resort to mandatory pupil assignments after voluntary plans failed to produce the court-ordered proportions of minority and majority students in all schools in the designated desegregation area.

In fact, Judge Layton, the dissenting judge in *Evans* v. *Buchanan*, expressed his disenchantment with voluntary desegregation plans on a number of counts. In his dissenting opinion, Judge Layton wrote of his early interest in "the theory of the so-called Magnet Plan," and recognized that enough students of each racial group would have to elect city or suburban assignments to make the plan effective. "Specifically," said Judge Layton, "enough white students would have to elect to be bused into the city to desegregate Wilmington on a voluntary basis. The idea is superficially attractive." In addition to this unlikely happening, Judge Layton wrote of his concern about the high transportation cost of a magnet plan and the lack of support of voluntary plans by the Supreme Court: "They have been universally unsuccessful where tried. Accordingly, but with regret, I feel there is no hope for such a plan in this area."[21]

With the preponderance of evidence against the workability of voluntary desegregation plans, educators could best use the time in the coming school year to develop specific, detailed plans and timetables for secondary school desegregation in September 1977 and for elementary school desegregation in September 1978.

Given the socio-political elements bearing on the educational decision-makers in Wilmington and New Castle County as they prepare for desegregation, and given the primacy of educational concerns as the ultimate goal of successful desegregation, what is it that boards of education and school administrators must do to prepare a school community—school employees, students and citizens—for desegregation? If we are to achieve our goals and avoid the pitfalls we have highlighted, we must lay the proper groundwork throughout the desegregation process so that the people involved can understand, accept and, hopefully, support

what is happening to them and their children.

As the intervening plaintiff in *Evans* v. *Buchanan*, the Wilmington school board and administration has long been involved in the process of planning for what it hoped would be the eventual desegregation of the Wilmington Public Schools through some form of interdistrict remedy. With a total minority population approaching 90 percent, it seemed certain to the Wilmington board members and school administrators that the desegregation of the Wilmington School System would be impossible without a remedy which would provide for the sharing of Wilmington pupils with those of surrounding districts in New Castle County.[22]

The May 19 district court opinion and the June 15 order provided the interdistrict remedy that was expected. The state legislature has used its power to modify the order within certain specified limits, and expected appeals to the Court of Appeals and the U.S. Supreme Court may change the order. Meanwhile, though, the school districts of New Castle County are now joined with Wilmington, under the interim board, in the task of desegregating the schools in their charge.

During the past year, the decade-old *Evans* v. *Buchanan* case made swift and rapid strides toward completion. A liability order was handed down in March 1975, and desegregation plans were prepared throughout the summer of 1975 by the State Board of Education in accordance with the court order in September 1975. Remedy hearings were held throughout the fall of 1975 and the winter of 1976. In the late spring of 1976, the remedy opinion and order were handed down.

Throughout and before this time, the Wilmington Board of Education and the school administration were involved in mobilizing the district for desegregation. In late spring 1975, the board held regional community meetings in four schools to explain the plan that was finally decided upon by the board. Prior to the regional meetings, committees of teachers, community representatives and administrators had reviewed and reacted to sections of the plan.

It must be noted that certain legal and technical factors in devising a desegregation plan that is constitutionally and educationally sound must be determined by lawyers and technical experts.

In all of the regional meetings, community reaction was noted and the board made a pledge to keep the community advised.

In April 1975, the selection of a new superintendent was announced. The superintendent-elect became intimately involved in the preparation of the Wilmington plan and continued close and active involvement in the planning, and in all subsequent desegregation activities upon assuming office on July 1, 1975.

In July 1975, a new board president was installed. Formerly the vice president of the board, he was skilled and experienced in community organization and involvement in the socio-political process. The new president continued and substantially expanded and broadened the extent of community involvement in the mobilization effort.

A series of meetings with key groups of the Wilmington community was initiated. The board and administrators met with legislators, community leaders, business officials, members of the Home and School Association, school administrators, school staff and students. The board president visited every school in the district during his lunch hour to talk with pupils, teachers and administrators. The superintendent visited every school in the district and spoke directly with every school staff to explain the Wilmington plan, to interpret court actions and to project possible outcomes resulting from the court hearings.

In January 1976, a series of monthly seminars was initiated in conjunction with the Wilmington Board of Education and the General Assistance Center at the University of Pittsburgh. Five seminars focused on various aspects of school desegregation such as legal aspects, curriculum aspects, student concerns, and parental concerns. Guests were brought in from Charlotte-Mecklenberg and other school systems having experience in desegregation. Audiences made up of parents, students and school employees in the Wilmington area participated in this series of programs.

The entire process stated above was repeated to explain the order and the opinion so that the actual outcome of the desegregation effort could be understood by school employees, students and parents. Also, teams of administrators, teachers and parents were dispatched to public schools in other cities across the country to witness the events in areas where desegregation was taking place.

Plans for the coming 1976-77 school year in Wilmington and New Castle County are twofold. First, we must continue to upgrade the quality of education offered to students currently en-

rolled in our school system. We must identify, within the Wilmington schools, the kind of education we hope will be offered in all schools after desegregation is accomplished. Second, we must begin under the direction of the state and interim boards, the joint planning with other school districts for the eventual implementation of the desegregation plan.[23]

The system will continue the seminars for school administrators, workshops for school employees and planning sessions for residents, business people and elected officials.

The Wilmington school system, while concerned with the positive aspects of education, must also be alert and aware of those forces which would oppose or limit the desegregation effort.

To that end, we must monitor carefully the effort of the state legislature to dilute the court order. Any such effort must be countered by the influence, activities, planning and action of the interim board through their full attention to educational problems and solutions.

Conclusion

I have attempted to show in this paper that mobilizing a system for desegregation is a very complex task. I have tried to extract from other desegregation cases throughout the country the facts, factors and components, procedures, techniques and practices that will be applicable to the Wilmington case. I have attempted also to delineate those problems peculiar to the Wilmington case and to discuss the development of strategies, procedures and practices that will enable our system and the suburban systems that have been designated by the court opinion and order to move into a successful implementation stage.

The recent Supreme Court decision provides for the constitutional remedy adjustment only once. Thus it is imperative that the interim board move with seriousness of purpose to provide the finest possible desegregation plan in fullest compliance with the express intent of the United States District Court.[24]

Summary

In the major presentation, Thomas Minter stressed that school desegregation is an educational issue and socio-political forces

should not be permitted to thwart its progress. Although superintendents must be prepared to correct misconceptions which are reflected in social and political attitudes and actions, their primary responsibility is to build high quality, desegregated school systems. Minter warned that in implementing desegregation, superintendents should guard against common pitfalls such as unfair disciplinary actions, resegregation of classrooms and the temptation of voluntary plans. He outlined the Wilmington program for fostering community and school staff support for the desegregation plan. This program included meetings to explain the plan to the community and visits by the school board president to district schools to discuss the plan with students, teachers and administrators. Also, teams of parents, students and administrators were sent around the country to study other desegregating schools.

In his response to Minter's presentation, Gordon Foster recognized the centrality of the superintendent's position and stressed that school board, community, and power-structure attitudes can impede or facilitate implementation. Other factors contributing to successful implementation include staff preparation, minority representation at all management levels and adequate financing. The development of planning and monitoring phases which draw from the national desegregation experience were also thought to be critical to the sound and equitable desegregation of schools.

Robert Griffore, the second respondent to Minter's speech, provided the theoretical underpinnings for implementing a desegregation plan. While general directives can be derived from knowledge of the national desegregation experience, each school desegregation effort is unique due to individual variables existing in each desegregating district. A neat prediction pertaining to the outcome of any community's desegregation effort, therefore, is impossible. However, an educated guess based on past desegregation successes and failures is feasible and desirable. A twofold strategy aimed at adopting a previously successful plan to fit the needs of the newly desegregating district is considered a workable solution to the implementation dilemma. While the variables interacting in the desegregation process may be difficult to control, Griffore maintained that the orderly sequence of understanding, prediction and control is possible through use of the twofold strategy.

Griffore said desegregation *per se* is only one factor determining

the educational outcome of a desegregation effort. When the superintendent is viewed as one who acts in concert with the school board, desegregation lawyers, the press, and social scientists, maintaining the stance that the superintendent occupies *the* central position, becomes untenable. While the superintendent must touch a number of diverse bases to fulfill the role, the success or failure of school desegregation does not rest solely on the superintendent's competencies. In some instances the superintendent does prove to be the key leadership figure; in other instances, another person may be similarly "blessed."

Workshop

The workshop charged with the development of desegregation strategies for the school superintendent identified several pertinent major issues and derived specific recommendations from them. Because of the links between the superintendent and the school board, community, and school staff, the superintendent's position was considered to be pivotal and complex. Workshop participants agreed that the superintendent must provide information, direction and leadership to all of the involved parties.

Although the superintendent's contributions are ongoing, specific workshop recommendations took as a starting point the time when the remedy order is handed down from the court. The commitment of the superintendent to support equality and quality education following the court's order was said to set the tone for peaceful, successful desegregation implementation.

Recommendations

To provide for equitable and efficient implementation of desegregation, the superintendent should insure that:

1. He/she be well-informed about research findings and national desegregation experiences. It was recommended that a *National Training Institute for School Administrators* be established to serve as a clearinghouse for such information. Superintendents who will be involved in a desegregation effort might attend a preparatory training session at the institute.

2. Staff capabilities be assessed, and that teachers and staff be placed to most effectively work toward the goal of integrated education.

3. Pupil placement procedures be based on valid needs assessment thereby circumventing potential resegregation problems.

4. Minority staff members be allowed to influence decision-making and prospects for career advancement.

5. Implementation funds be specifically earmarked in accordance with district priorities.

6. Leadership be provided for the establishment and maintenance of community support for the desegregation plan. Involvement of a citizen's group, the media, community leaders and the general public was thought to be an essential ingredient for success.

7. All facets of the implementation plan be monitored, including discipline policies, educational programs, lunch programs, safety, transportation, and parent orientation.

NOTES

1. Evans v. Buchanan, *Judgment*. Civil Action Nos. 1816-1822, United States District Court for the District of Delaware, Wilmington, June 15, 1976, p. 1.

2. Evans v. Buchanan, *Opinion*. Civil Action Nos. 1816-1822, United States District Court for the District of Delaware, Wilmington, June 15, 1976, p. 1.

3. *Ibid.*, p. 74

4. John Egerton, *School Desegregation: A Report Card from the South*, Atlanta: Southern Regional Council, April 1976, p. 27. A statement by a counselor at Central High School, Clarke County, Georgia.

5. Martin Kilson, "Whither Integration?" *The American Scholar* (Summer, 1976, 371 and 366.

6. James J. Kilpatrick, "Professors' Lesson," *Morning News*, Wilmington, Delaware June 18, 1976.

7. Thomas F. Pettigrew, *et al.*, "Busing: A Review of 'The Evidence'," *Public Interest*, No. 30 (Winter, 1973), 88-113. Pettigrew rebuts Armor's findings on the METCO busing operation.

8. Thomas F. Pettigrew, and Robert L. Green, "School Desegregation in Large Cities: A Critique of the Coleman "White Flight" Thesis," in *Harvard Educational Review*, Vol. 46, No. 1 (February, 1976), pp. 1-53. Pettigrew and Green use the results of their research and that of others to effectively refute Coleman's assertion that desegregation is the primary cause of white flight.

9. Egerton, *School Desegregation*, pp. 3 and 4.

10. Norman Miller, and Harold B. Gerard, "How Busing Failed in Riverside," *Psychology Today*, Vol. 10, No. 1 (June, 1976).

11. *Ibid.*, p. 100.

12. Wilbur Brookover, John Schweitzer, Charles Beady, Patricia Flood, and Joseph Wisenbeker, *Elementary School Climate and School Achievement* (Brief Report) East Lansing: College of Urban Development, Michigan State University (May, 1976), pp. 9 and 10.

13. Anthony E. Boardman, Otto A. Davis, and Peggy R. Sanday, "Education from an Anthropological Perspective: An Empirical Investigation of Structural Differences among Blacks and Whites," Carnegie-Mellon University and the University of Pennsylvania, October 22, 1973, pp. 16 and 17 (unpublished manuscript).

14. Anthony F.C. Wallace, "Schools in Revolutionary and Conservative Societies," in *Cultural Relevance and Educational Issues*, ed. by Francis A. Ianni, and Edward Storey (Boston: Little, Brown and Company, 1973), pp. 230-249. The statement quoted is on page 232.

15. Bernard C. Watson, *In Spite of the System* (Cambridge: Ballinger Publishing Co., 1974), pp. 96 and 97.

16. The five-member interim board established by the court has been enlarged to thirteen members by act of the General Assembly. The Court indicated that the legislature had the right to alter the desegregation opinion so long as such steps "... are not violative of constitutional rights ..." Evans v. Buchanan, *Opinion*, p. 63.

17. Kilson, "Whither Integration?", p. 361. Kilson stresses the difficulty that the American majority has in perceiving and conceding that the earlier minorities—ethnics and nationalists from northern, central and southern Europe—had only to "content against the white Protestant majority for a secure place in American life, while at one time or another virtually all white groups ... were united in denying the legitimacy of Negro aspirations." Many suburban, and urban, second generation ethnics still fail to perceive the negative impact that previous discrimination and forced social and racial isolation has had on the economic, social and political progress of black Americans as a group. The socio-politics of the "new conservatives" reflect this lack of perceptiveness.

18. Egerton, *School Desegregation*, p. 27.

19. *Ibid.*, p. 16.

20. Evans v. Buchanan, *Opinion*, p. 74.

21. Evans v. Buchanan, *Opinion*. Judge Layton's *Dissent* (Concurring in part, dissenting in part) is separately paginated. The reference and quotation are on pages 5 and 6 of the *Dissent*.

22. With the exception of Wilmington and De Le Warr, the other northern New castle county districts included in the court order have pupil populations that in the 1975-76 school year were 92 percent or more white.

23. In the late spring of 1976, following the close of the remedy hearings and before the receipt of the opinion and order, the New Castle County Chief School Officers, at their own initiative and with the cooperation of the state Department

of Public Instruction began a data-gathering and pre-planning process by establishing inter-system task forces in virtually every area, in the areas of curriculum, personnel, finance, transportation, pupil personnel; a principals task force was also created.

24. Lesley Oelsner, "Justices Restrict Courts on School Zoning Shifts," *New York Times*, June 29, 1976, p. 1. As reported in the article, the impact of the U.S. Court's ruling in the Pasadena case is not yet clear. However, the ruling does appear to place a limit on the scope of a lower court's power to require repeated pupil adjustments to keep abreast of general population shifts resulting that may cause school resegregation in a court-ordered desegregated system.

5

School desegregation as a political issue: the role of the school board member

Wendell Howell

To exercise positive leadership, school board members must be at the forefront of social change yet remain sensitive to the needs of the community. A herculean task, for sure, but not impossible.

School desegregation is a political controversy about access to educational resources and opportunities for upward mobility in our society. Few issues in our time, political or educational, have generated more community tension, fear, conflict, and turmoil than school desegregation. Few educational or political issues have been as thoroughly examined by the media, as extensively debated in the legislatures, or as closely scrutinized in the courts.

School desegregation is a political issue. It is also a matter of simple justice: Are minority children going to have equal opportunity for upward mobility in our society? Equal educational opportunity was the issue at stake in *Brown* v. *Topeka*. It is the issue in *Buchanan* v. *Evans*, the metropolitan remedy school desegregation case recently decided in Wilmington, Delaware.

The history of *Evans* v. *Buchanan* has many implications for metropolitan remedy in other urban school districts. Therefore, some political background on Delaware and the ten surrounding suburban communities[1] involved in the case will reveal how responsible school board members can make sure that the political process of school desegregation serves justice and meets the needs of all America's children.

As school board members, we have no greater responsibility throughout the desegregation process than to furnish the best possible constructive leadership. To gain the legal and financial resources to exert that leadership, city school boards with majority black enrollments should join in desegregation court suits as intervening plaintiffs. Wilmington's school board did just that. No other school board in this country has ever before vigorously sued its state department of education for desegregation. The legal status which Wilmington acquired as intervening plaintiff has proved invaluable for retaining a decisive voice in the desegregation process in New Castle County. Urban school board members must realize that, given the number of black children in urban areas today, the only realistic relief they are going to have in desegregating their schools as the Constitution has defined it under the Fourteenth Amendment is a metropolitan remedy. That is what we sought in Wilmington, and that is what the three-judge federal panel handed down in its May opinion.

Wilmington's history of desegregation started in 1896, and the state has never, in fact, fully carried out the mandate of the court to move with all deliberate speed to desegregate our schools.

The *Evans* v. *Buchanan* case itself, started more than 20 years ago when a group of black parents sued the State Department of Education with non-enforcement of the 1954 Supreme Court decision. Children who were kindergartners when those black parents sued for desegregation have had time to complete their education in segregated schools, get their Ph.D.s and begin to raise their own families. Hopefully, their children will not be attending any more segregated schools in the Wilmington area.

In 1961, the Wilmington case had been underway seven years when the U.S. District Court of Wilmington called for a one-grade-at-a-time plan to desegregate the Delaware schools. Most significantly, the court at that time announced it would retain jurisdiction in the case. It also instructed the state board to urge the adoption of a new nondiscriminatory school law. That same year, the U.S. Third Court of Appeals in Philadelphia ordered the full integration of all Delaware school grades to begin in September.

Seven years later, in 1968, the state legislature adopted the Equal Educational Advancement Act[2] on which the Wilmington Public School System eventually built its case. When the state

legislators in 1968 passed the EEA, the Wilmington school board charged that it was segregationist in intent. A provision in the act, paragraph 1026, said that school districts with more than 12,000 students must remain coterminous with their city limits and never expand or reorganize. Only two districts were affected by the provision: the City of Newark, which is a white, middle-class, upwardly mobile community surrounding the University of Delaware, and Wilmington. Paragraph 1026 created segregation in Wilmington schools because it was enacted at a time when the civil rights movement, black political power and school desegregation were beginning to help hasten whites' movement to the suburbs. So, as black enrollment increased from 25 percent to 84.7 percent of the school population, Wilmington was enjoined from combining with the suburbs.

In 1971, a group of black parents in Wilmington sued the state Board of Education again, charging that the EEA had locked the Wilmington school district in as a black, segregated district. In 1972, in what is an historic decision by the board members, the Wilmington school system joined the suit. These board members probably did not even realize the vast scope of their decision. Becoming intervening plaintiffs was very significant because it not only enhanced their legal position throughout the case, but it also provided very important financial resources to the plaintiffs. As a school district, Wilmington has spent more than half a million dollars, and every penny of that has been important for the quality of education for black children. It enabled us to bring in nationally known educational and legal experts,[3] without whom Wilmington would never have won its case. In 1974, the closing arguments were heard by the U.S. District Court and the three judges decided two key points. They decided that segregation in Wilmington public schools had not been eliminated and that the state Board of Education had not lived up to the requirements of the court's 1961 order. The judges asked that the parties to the suit submit two kinds of plans. The first would be an intradistrict, Wilmington-only plan. Any city-only plan in a district like Wilmington, which has only two majority white schools and which is 84.7 percent black, is completely unrealistic. There simply are not enough white students with which to integrate a system that is overwhelmingly black. The court did not seriously consider the Wilmington-only plan, al-

though courts in other parts of the country have. Realizing that the real intent of the court suit was to provide relief for Wilmington parents, the judges asked the parties to the suit to submit a second kind of metropolitan plan involving more than one district.

In July 1974, *Milliken* v. *Bradley* was hailed throughout the land as a real victory for those suburbanites who want to maintain public school havens in the suburbs, "the bastions of private education at the public expense." The *Milliken* v. *Bradley* decision did not affect us because 1) the state's segregationist intent in passing the EEA had already been proven, and 2) the fact that suburban districts were not directly involved did not matter because the state legislature's segregationist intent indirectly involved the suburban districts.

When the Supreme Court affirmed the lower court's decision earlier this year, that the EEA was indeed segregationist, we knew we were on firm ground in seeking a metropolitan remedy. The Supreme Court said that the facts of the Wilmington case were distinct from *Milliken* v. *Bradley* and that the district court judges could order a metropolitan remedy should they so choose. The Supreme Court warned the lower court to remember that the scope of the remedy would prove most important during the appellate process. The judges have proceeded with care on that basis. As a result of the Detroit decision, the court in Delaware in August 1975 temporarily halted its desegregationist planning and invited the 10 nearby suburban districts to join *Evans* v. *Buchanan*. Giving the suburbs their day in court precluded the judges' falling into the *Milliken-Bradley* trap. Had the suburban districts not been invited to join the suit at this point, they could have delayed the case several years by bringing in their plans one at a time in separate court cases. As it was, 26 different plans were produced by the districts and by individual citizens. Wilmington's plan clustered school districts but omitted Newark. From the logistical point of view, Newark is approximately 35 minutes away on Route I-95, and Wilmington did not want to risk having its case thrown out because the plan was too broad in scope. Some suburban districts, however, did include Newark in their plans.

Metropolitan Remedy

The federal court issued its sweeping opinion ordering met-

ropolitan desegregation and laying the groundwork for merger and consolidation of the districts involved on May 19. The metropolitan plan calls for desegregation until blacks account for 10-35 percent of each level in each metropolitan school by 1978. "The Court will consider that any school whose enrollments in each grade range between 10-35 percent black to be *prima facie* desegregated."[4] The judges concurred unanimously on an interdistrict remedy; they agreed 2-1 with the metropolitan plan chosen. Judge Layton in a dissenting opinion said there should be no doubt that he concurred with the need for an interdistrict remedy; he dissented, though, on the scope of the remedy, preferring to bus only 2,000, or fewer than five percent, of the white children into Wilmington. The plan, which the majority of the court approved, involves busing more than 65 percent of the Wilmington black children out with a comparable number of whites bused into Wilmington by 1978. The decision also lays the groundwork for merger and consolidation of the school districts. A five-member interim board must draw the district lines, provide tax base equity among the areas and take responsibility for all metropolitan schools by September 1977.

The court's plan will divide the black students in Wilmington and the adjacent De La Warr school district and assign them to the ten remaining suburbs, which are more than 90 percent white.

De La Warr is a low socio-economic, black-white working class area with a high proportion of welfare recipients. It has the lowest assessed base in the entire state; 95 percent of all property in De La Warr is tax-exempt. De La Warr's schools are 55 percent black and 45 percent white, and their atmosphere is tense. Together, Wilmington and De La Warr account for more than 90 percent of the approximately 16,000 black students in New Castle County. Strategically, therefore, any desegregation plan must "divide" the children in Wilmington and De La Warr between the other, predominantly white, districts.

The Wilmington district, which represents 20 percent of the metropolitan school children, was assigned one of the five seats on the interim board. The court clustered the remaining 11 suburban districts into four groups, each with one representative on the interim board.

If the Wilmington board had not been the intervening plaintiff,

Wilmington itself probably would not have received adequate representation. The state board's original intent, in fact, was embodied in a five-district plan which cut up Wilmington and put the Wilmington board out of existence. Our legal position protected us, however, because the judges could not put all the burden of the remedy on the intervening plaintiff.

Although Wilmington's one seat on the five-member board is analogous to Wilmington's share of the metropolitan school board population, Wilmington will represent the interests of many other children too. The Wilmington board member will have the responsibility of representing all the poor children in the metropolitan area—Spanish speaking, black and poor urban white. Wilmington's role as ombudsman for the poor is going to be crucial.

The five members sent to the interim board are to be appointed by the state Board of Education. Once appointed, the interim school board will be responsible for drawing "sending" district lines and providing tax base equity among the consolidated school districts. The state legislature, however, will be responsible for deciding whether or not to equalize teacher pay among the districts. In 1968, when the districts were consolidated and reorganized to the extent they were, teachers' salaries were leveled. Delaware has two competing teachers' unions: a highly organized and political American Federation of Teachers affiliate, the Wilmington Federation of Teachers, which is largely black, and the Delaware State Education Association, which is primarily white except for the Conrad and De La Warr memberships. The problem, of course, is that it is impossible to justify paying two teachers in adjacent classrooms in the same district widely different salaries because they originated in different systems.

Unfinished Jobs

The court did not speak directly to a number of issues, among them staff desegregation, elementary grade desegregation, and compensatory education. In each case, the Wilmington district will press for court or district action.

The court did not directly charge the interim board with implementing staff and faculty desegregation. Staff desegregation is vitally important for it means that urban-oriented teachers can be ombudsmen for city children bused to the suburbs while

suburban-oriented teachers can do likewise for the suburban children bused into the city. The judges noted that it would be inconsistent to desegregate black children and not have the faculty desegregated proportionally.

The interim board also can wait until September 1978 to implement elementary school desegregation. The judges ruled that kindergarteners can remain in their home schools and that desegregation should begin in the upper and intermediate grades. They did not rule out desegregating the elementary grades immediately, though, and I believe the interim board should insist on it.

Another critical issue not included in the court's order concerns compensatory education programs. About 15-20 percent of Wilmington's students are economically disadvantaged children who require services under Title I and other federal compensatory education programs. The Delaware State Department of Education spends no money on Title I programs and only nominal sums for some other federal programs. We asked the court for relief so that compensatory education money could follow the children wherever they go. The courts did not speak to this question, and we intend to file a motion of clarification. If necessary, we will sue HEW for a consistent national policy on whether federal funding should follow the child. Desegregating districts like Wilmington have received no leadership from their state department of education and only bureaucratic confusion from Washington. We worry that, without monitoring, these low socioeconomic status children who have received services in Wilmington will not get them in their new suburban schools. The money may be spent instead for the more advantaged students.

The courts did rule that there should be no reduction of services for bilingual students; in fact, the judges ruled that Hispanic students must be assigned to schools in sufficient numbers to allow the continuance of bilingual programs without, at the same time, having reverse discrimination.

If there is to be no reduction in bilingual programs, we intend to ask that the same principle apply to other federal programs. Desegregation should not cause any child to lose the federally funded support programs he/she enjoyed in a segregated setting. If the court avoids the issue and passes it to the state board, we will ask the state attorney general for a ruling and, if necessary, sue HEW.

Board Responsibilities

The most difficult issue for any urban school board to face is that metropolitan-wide desegregation is inevitable. Any city-only plan where more than 65 percent of the students are black is a waste of time. Civil rights lawyers all over this country are gearing up as a result of the Wilmington case. Metropolitan relief is coming in Atlanta. It is coming in Washington where 85 percent of the students are black and in Baltimore which is struggling with a Baltimore-only plan to desegregate a system that is 65 percent black. In two or three more years Baltimore will have a metropolitan remedy, and the district is now only wasting resources attempting to avoid a metropolitan solution. Metropolitan relief is coming in Boston and in Philadelphia. Philadelphia has until July 1 to submit a desegregation order to the State Human Relations Commission. A number of voluntary plans have been drawn up. They probably will not be approved by the courts, and the judges will point to the Wilmington opinion and order a metropolitan remedy.

Wilmington has had 20 years to produce a workable voluntary plan, and since the court-ordered metropolitan plan does not start until September 1977, there is one more year to develop a voluntary plan that meets the guidelines of the court order. The courts have declared that an acceptable plan must desegregate each school so that 10-35 percent of each grade level is black by September 1977. Although Wilmington is receptive to any attempt to desegregate its schools, it is doubtful that any voluntary plan will function well enough to meet the court's standards.

School board members in systems which are more than 65 percent black should seize the initiative to protect their black, poor white and Hispanic students. If the board members do not, some civil rights group will. If that happens, the school board will be in a much stronger position if it becomes the intervening plaintiff. As such, a board will not be disbanded by the courts as a result of the political games that the states may try to play. It was fortunate that the Wilmington board joined the Wilmington case. The resources we gained by that action, enabled us to obtain professional support. As a result, the three federal judges praised Wilmington's plan for its "many admirable features and safeguards with regard to minority rights."[6]

A school board member, whether elected or appointed, has no

constituency. The school board is both decision-maker for the bureaucracy and guardian of the public interest, and I do not know of any two roles which could place anyone in greater conflict.

Black school board members especially are under pressure because black youngsters take the burden of most desegregation plans. Blacks have problems with busing because they are giving up immediate power for the long-range benefits of increasing youngsters' scholastic achievement.

The Supreme Court's recent decision approving federal aid for church-supported schools will make the role of the public school board member even more difficult. They will have to become watchdogs to insure that federal money is not used to support still another segregated school system.

Wilmington and its school board have planted the seeds of national leadership. There is no turning back. President Ford may try to give extra funds to black districts instead of desegregating them, but the effect of such a retreat would so divide the country that we would virtually have a civil war.

America's only other alternative is residential integration. But a decade ago the black community pushed unsuccessfully for open housing. Dr. Martin Luther King, Jr. led marches through Chicago, and the country's white leadership resisted housing desegregation as vehemently as it is resisting school desegregation now.

We must all fight injustice where we are. I am a school board member whose responsibility is giving the children in my district the best possible education. Therefore, although neighborhood desegregation obviously would make busing unnecessary, housing is not my field; education is. I have no choice but to use the full power of my office to seek school desegregation for my students.

Nor does America really have a choice either. We cannot retreat from our educational commitment to provide all children with equal opportunities. Faced with segregation or metropolitan, interdistrict busing, America must choose busing.

Summary

In his presentation, Wendell Howell argued that school boards must become political power brokers for the poor and actively

exercise their leadership by intervening as plaintiffs in desegregation court cases. School boards should realize that metropolitan desgregation is inevitable in any city where more than 65 percent of the students are black and vigorously protect the rights of their poor and minority students in court.

Responding to Howell's speech, Althea Simmons urged school boards to develop a dual relationship toward political power. On the one hand, she agreed that to implement desegregation school boards must deal with power in a highly charged political atmosphere. On the other hand, she urged school boards to try to "transcend purely political considerations" in order to protect their poor, minority students.

Simmons stressed that school boards play a central role in the desegregation process. The *Brown II* implementation decision held that school authorities have the primary responsibility for solving local school problems, although the courts will judge whether the schools acted in good faith. The 1968 *Green* decision also clearly put the burden on school boards to produce realistic and immediately effective desegregation plans.

While implementing desegregation, school boards must learn how to work with political groups. Wilmington has learned how to work effectively with various community power groups on their own agendas before trying to pull them together to work on a general plan.

School boards should also muster some of their own political power. During school desegregation litigation, the Kentucky legislature approved a bill allowing the black Louisville City School District to merge with the white Jefferson County Board of Education. The city district had requested the merger because of financial problems. The county was segregated while the city school system had a fairly well desegregated faculty and certified administrative staff. After the merger, however, the county school board gained control and most of the benefits previously gained in the Louisville school district were lost.

Carl Candoli, the second respondent to Howell's presentation, said he was "almost convinced that boards of education as they are now defined are obsolete." He maintained that a new governing system should be developed to protect the poor, involving decentralization to classroom and building levels so that parental in-

fluence over the schools might be increased. Candoli differentiated between training and education and drew a parallel with desegregation and integration. The need to educate children for peaceful coexistence in a shrinking world was noted.

Workshop

Workshop members discussed the legal and moral function of the school board member in terms of setting policy and hiring a competent superintendent to implement such policy. It was noted that power-plays between school board and superintendent are ultimately detrimental to those served, the students. The discussants concluded that school boards are responsibile for establishing policy which insures equal academic opportunity. In so doing, board members must exert concentrated efforts to remain sensitive to community concerns by fostering bilateral communication.

Recommendations

School board members should:

1. Remain aware of the fine line between policy-making and implementation.
2. Reflect the needs of their communities while adhering to constitutional, state and local mandates. Board members must participate actively in community activities, hold open board meetings with community participation encouraged before new policies are adopted, and give the community correct information regarding possible new policies.
3. Choose knowledgeable district and outside consultants to draw up a desegregation plan so that the outside expert can view the school system objectively while the local expert garners the staff support needed for successfully implementing the plan when the outsiders leave.
4. Keep well informed. Universities and state governments should train school board members, and all members should attend at least one such training session. Superintendents must keep their boards up-to-date on current desegregation research and litigation. The board should solicit information from the community as well as disseminate information to the community.
5. Speak as individuals and collectively in support of quality education to encourage community support for effective desegre-

gation plans.

6. Develop and maintain lines of communication with the staff, parents and students if any success is to be achieved in the desegregation effort.

7. Insist that the state superintendent, board and education department exert some leadership to help local boards in implementing desegregation. State boards have never been responsive to the desegregation efforts of their local boards. There should be more communication between state and local levels so that the skills and knowledge of one group can be made available to the other group for the students' benefit. State boards particularly should offer training sessions in the responsibilities and duties of local school board members.

NOTES

1. The 10 suburban districts involved in the court's metropolitan remedy are Newark, New Castle-Gunning Bedford, De La Warr, Conrad, Stanton, Marshallton-McKean, Alexis I. Dupont, Alfred I. Dupont, Mount Pleasant and Claymont.

2. Equal Educational Advancement Act, 1968, State Department of Education, Dover, Delaware.

3. Robert L. Green, Dean, College of Urban Development, Michigan State University, East Lansing; Professor Thomas Pettigrew of Harvard University; Louis Lucas and Thomas Atkins, civil rights lawyers.

4. Opinion of the U.S. District Court for the District of Delaware, Wilmington, Delaware, May 19, 1976.

5. In comparison, De La Warr's assessed valuation per school child is $18,662 and Wilmington's is $27,591. The county-wide average valuation per student is $28,668.

6. Court Opinion, *op. cit.*, p. 37.

6

The media and school desegregation

William R. Grant

The press—what can it do, what should it do, what won't it do in the school desegregation process? And, how can those directly involved in desegregation influence the media to tell the story accurately and honestly?

It has been more than 20 years since the U.S. Supreme Court declared, in *Brown* v. *Board of Education*, that segregated educational facilities are "inherently unequal."[1] Although more changes have taken place in our society in that time than many thought possible, there continues to be a serious question about the willingness of the nation to make a commitment to the goal of racial equality which was enunciated in *Brown*.

For only eight years of that period, from the beginning of the Kennedy administration in 1961 to the end of the Johnson administration in 1969, was there support from the federal government for school desegregation. Since 1969 there has been increasing hostility from the federal government. Whether the administration has led, or merely followed, public sentiment is not important in this context. The policies of the Nixon and Ford administrations have made it impossible for all but the most bold politicians to support busing as a tool of desegregation.

There was considerable media support for desegregation during the 1950s and 1960s, when the issue was viewed as being limited largely to the rural areas and small cities of the South. Now that the trend has been reversed, one need not look very far for exam-

ples of media hostility to busing, which, with "affirmative action" has become the code word for connoting virtually all racial issues.

Little attention has been paid to the role of the news media in this continuing national debate.[2] My goal is to make some observations about the reporting on desegregation, past and present, and to suggest some measures to improve the quality of this reporting.

The Power of the Media

Many people believe that the media have almost absolute power to change people's minds, to mold public opinion. Most people have had moments when they have said, "if only the media were on our side" because they believed that news stories and editorials which supported their views would have a great impact on public opinion.

Everything we know about the communications process and the way in which attitudes are developed suggests that the media simply do not have this kind of power and influence. Lazarsfeld, Berelson, and Gaudet, in their pioneer study of political attitudes in the 1940 presidential election, found that the stories people selected to read and the broadcasts they selected to hear had little impact on changing attitudes. What people heard and read tended to confirm, in their own minds, opinions they already held. Those people who did in some way change their minds did so because of personal, not media, communication.[3] Media reports do not affect any two people in the same way. There is not a mass audience into which the media pour information, like water poured into an empty beaker.[4]

Since the Lazarsfeld work was published, many other researchers have made similar findings about the influence of the media. In 1947 several public organizations began a six-month campaign in Cincinnati to inform people about the United Nations. The effort used virtually every available means of communication and was designed to show how a community could be informed about social issues through a mass education campaign. The National Opinion Center, in evaluating the project, found, however, that when the campaign began, only 28 percent of the citizens of the city were aware of the main purposes of the U.N. At the close of the campaign, that figure had risen to 30 percent—a net gain of 2 percent.[5]

Not all media have the same impact, either. Joseph T. Klapper found that "speech (personal communication), transmitted speech (broadcasting), and print" were influential in that order.[6] Serena Wade and Wilbur Schramm found that newspaper and magazine readers tended to have the most specific and accurate knowledge on reported public issues. Eighty-two percent of the people who were able to answer a group of science questions, for example, gave newspapers and magazines as their prime sources of information.[7] While radio and television news reports tend to be more general, and less accurate, they are the principal sources of information for a growing portion of the population. The Roeper organization found in 1974 that 65 percent of their national sample got "most" of their news from television, compared with 51 percent in 1959. Whatever the accuracy level of television news, people believe it because they see and hear it. Roeper found that 51 percent of his sample thought television was the most "trustworthy" source of news, compared with 29 percent in 1959.[8] George Gerbner and Larry Gross have asserted that "television is the central cultural arm of American society." Television, they note,

> is an agency of the established order and as such serves primarily to extend and maintain rather than to alter, threaten, or weaken conventional conceptions, beliefs, and behaviors. Its chief cultural function is to spread and stabilize social patterns, to cultivate not change but resistance to change.[9]

This suggests that the media do not mold public opinion so much as they conform to it. But the media, particularly the prestigious national media, serve what is called an "agenda-setting" function. The media, observes Bernard C. Cohen, "may not be successful much of the time in telling people what to think, but it is stunningly successful in telling its readers what to think about."[10] The *New York Times*, the two major news magazines, and the television networks decide, in large measure, what will be the nation's "news" simply by deciding what they will report. The wire services and smaller news operations simply follow the lead of these giants.[11]

They also set the thrust and tone of the reporting on many major issues as well. Anthony Lewis, a liberal columnist for the *New York Times*, wrote two columns in late May which suggested

that "there is no use in pretending that school busing in Boston will work out just fine if things are allowed to go on as they are."[12] In the second column Lewis specifically charged that U.S. District Judge W. Arthur Garrity had ignored the "good advice that was available to him" from his court-appointed masters and had instead exercised an "intrusive supervision" of Boston schools.[13] In less than a month, an editorial in the *Detroit Free Press* suggested that "it may well be that Judge Garrity (got) too involved in the details of administering the Boston schools," a theme the paper's editorial writers had not suggested before.[14]

Reporting on Desegregation

School desegregation is one of the issues which the media are least suited to cover. The media are best able to report on events which unfold within a short time span—a day, a week, a few weeks at most. Those things which develop over much longer periods of time are likely to be covered by many different reporters. It is difficult for newspaper stories, and even more difficult for broadcast reports, of a long-running event to capture the origins and history of the issue. Just the litigation of any particular local school desegregation case can take years. Flannery has observed that reporting on a school desegregation proceeding is much like reporting on a baseball game. Both are a series of "unexplained pauses."

The media also have difficulty reporting on complex and highly technical events. The media are best suited to reporting clearcut issues, in which things are much what they appear to be. This is rarely the case in desegregation issues. Even reporters who pay attention to the guilt-finding phase of a local desegregation case—and little attention is usually focused on a case until it reaches the remedy stage and there is talk of busing—find it all but impossible to give meaning to daily reports about a string of witnesses who talk about small facts that have significance only as part of a large jigsaw puzzle which cannot be understood until all the pieces are in place.

Reporters seldom have the training to report on law, medicine, the social sciences, or other specialized subjects. Lawyers, doctors, and social scientists usually have little training in dealing with jour-

nalists. Desegregation involves understanding law, education, and social science. There are few lawyers, educators, or social scientists who have managed that broad understanding. It is not surprising that few journalists do either.[15] Consider the mental dexterity needed to deal with the term "racial balance." It takes an understanding of the reasons the term first appeared in legislation to comprehend why the courts have dodged using it. But even understanding those things, it takes some doing to explain to a layman the difference between achieving a racial balance in a school and using an appropriate racial ratio as a "starting point."

It is not surprising, therefore, that press and broadcast reports on desegregation have vastly oversimplified the issue. The *Detroit Free Press* hailed the *Brown* decision by suggesting that "the South will adjust to it, just as the North over a long period of time also adjusted."[16] In the South in the years immediately following the Supreme Court's decision the media generally did not move very far beyond the prevailing attitude of their particular community.[17] The national media, on the other hand, made its position clear. A *Time* magazine report in the aftermath of the Little Rock confrontation spoke of the "rabblerousing" Governor Faubus and carried an account of attempts to integrate "lily-white" Van Buren, Arkansas, high school under the headline "Hoodlums in Arkansas."[18] This view permeated the press outside the South. "Tough Officer Quells Racist Mob," headlined the *Detroit Free Press* in discussing the Little Rock police chief.[19] The nine black students who entered Central High were described in another headline as "Nine Young Victims of Hate . . . "[20] The *Detroit News* headlined a report by Martin S. Hayden, its Washington bureau chief, "School Integration Plan Works in Washington."[21]

When desegregation became a national, not just a southern, problem, the nature of the reporting changed. Many northern papers which had called for desegregation in the South found reason to believe that the situation in the North required a different approach. "I believe there has to be a better way," argued Joe H. Stroud, the editor of the *Detroit Free Press*, and a native of Arkansas, in a column discussing the Detroit case.[22] Other papers were less restrained. The *Northeast Detroiter*, a weekly neighborhood paper, included the following in a front page story the week before

busing began in Detroit.

> In Washington, D.C., a congressional committee studying the results of their integration program have [sic] discovered a number of shocking statistics. Grades for all students have dropped considerably. Crime reports in the schools have multiplied faster than they can get the figures. Venereal disease and illegitimate births had hit all time highs. And now it's Detroit's turn.[23]

One of the more amusing reports appeared in the *Macomb Daily*, a suburban Detroit afternoon paper, in an article in which city editor Mitch Kehetian claimed to have "uncovered" a plot in Judge Roth's courtroom to bring about metropolitan school integration.[24]

There is a significant difference between what is reported in local media about desegregation of local schools and what appears in the national media. Edwin Diamond, in his thoughtful report on coverage of desegregation in Boston, noted that the national media made the city appear to have been engulfed by violence when in fact there were "pockets of combat" in a generally peaceful city. Diamond quotes a wire service editor who said:

> In the first four weeks, we were writing one lead every hour, and we got to the point where we'd lead with fights involving five or six people with no injuries. The problem was that some of the stuff wasn't worth reporting. Everybody—New York, the subscribers—was keyed up about "the Boston situation," and so you've got to come up with a story, even though there wasn't a story there.[25]

Wire services have a critical impact because they are the means by which most news is conveyed beyond a local area. Many wire service stories are written from stories appearing in the local papers by desk reporters who do little or no news gathering on their own and who know little about the issue at hand. One 12-paragraph United Press International story moved on the national wire just before busing began in Detroit contained nine factual errors, ranging from getting the judge's name wrong to incorrectly describing the busing plan.

In addition to all the other problems in reporting desegregation, one remains which may be the most pervasive. Desegregation stories are no different from any other. There are mistakes of ignorance, carelessness or both. A Knight Newspaper story on President Ford's proposed legislation to limit busing contained the following completely incorrect paragraph:

This would prevent the use of busing to correct racial imbalance brought about by housing patterns or zoning laws—an issue that has not been directly addressed by either the Supreme Court or Congress.[26]

The Dying Commitment to Desegregation

If, as I suggest, the media more often follow local attitudes than lead them, the negative reporting on desegregation today is part of a much larger national problem.

Much of the opposition to desegregation continues to be racist. One of the earliest indications that integration might be acceptable when only a few blacks were involved came in the editorial by the influential *Richmond (Virginia) News-Leader* the day after the *Brown* decision. It outlined the course of massive resistance which would be followed by much of the South for more than a decade. However, the editorial suggested that school systems which voluntarily wished to desegregate might be permitted to do so. "There may be quite a few counties in Southwest and Valley Virginia, where Negro population is small, that will wish to pursue this course."[27]

The question of how to desegregate the Detroit Schools would have been a simple one except that the system is majority-black. Few of the questions which were raised by the press, the school board (which itself is majority-black) or the political leadership of the city would have come up if the system had been 30 percent black and 70 percent white instead of the reverse. The prospect of making every school in Detroit a majority-black one was behind the argument that Detroit should have a different kind of desegregation plan.

Consider, too, the rhetoric about federal judges running school systems. President Ford spoke of the need to keep the courts from "taking over a whole school system as the courts did in the Boston case and several others." Judge Garrity's role in the Boston case has become a popular target. William V. Shannon, a *New York Times* editorial writer, recently applauded Boston Mayor Kevin White's role in the Boston case and criticized Garrity, who was called the city's second mayor, for his "willful heroics."[29]

It is difficult to find a case, however, where the federal judge has exercised more control than in Detroit. Judge Robert E. DeMascio ordered a complete realignment of the system's grade structure.

despite the fact that his experts told him it would serve no educational or desegregative purpose. He has ordered programs unrelated to desegregation because he believes them to be necessary to the educational program. One imagines Judge DeMascio has escaped condemnation for his running of the Detroit system because, unlike Garrity, he ordered only a limited student desegregation plan.

It has become popular to dismiss race as a factor in opposition to desegregation, and some scholars have accepted the findings of such organizations as the Gallup Poll which regularly report that a large percentage of the population supports the concept of school integration while opposing busing.[30] It seems more likely that what these polls measure is simply the sophisticated rhetoric of the opposition to desegregation today. After all, it is much more polite and civilized to talk about neighborhood schools than it is to shout "Nigger go home" to black youngsters. And this more civilized tactic certainly enjoys a wider following than did the crude, blatantly honest methods of the 1950s.

Who, therefore, could miss the point of a small item which appeared under the headline "Busing, but . . . " in a suburban Detroit weekly newspaper?

> Busing has come to the Harper Woods school district.
>
> But fret not. The school board has approved purchase of three 54-passenger buses for the coming school year for use under the district's new middle school plan to transport pupils living more than a mile from school.
>
> School officials also hope to use the buses for school activities, such as field trips, club outings and sports events.[31]

No one in the circulation area of that newspaper needed to be told the obvious. Busing in Harper Woods really wasn't busing at all because the district is all-white.

It would be naive and short-sighted to dismiss all the current opposition to desegregation as cut from the same old racist cloth, however. Something much more difficult to challenge is behind at least part of the fading commitment to desegregation.

Many influential people, ranging from Justice Potter Stewart, whose vote in the Detroit case was the deciding one, to many traditional supporters of civil rights and a significant number of blacks, simply believe that nothing more needs be done to assure

racial equality. This theme is enunciated by Professor Nathan Glazer, who argues that more "change measures" are not needed because this is "an increasingly integrated society." The question Glazer poses is whether "the tendency in American history is to exclude, oppress, and the like" or, rather, to "expand, include, and equalize."[32] Glazer makes it clear that he believes that this is an egalitarian nation which will in time achieve racial equality without further force.

This idea finds substantial support among a group of blacks whom I call the New Overseers. Many of these are men and women, most of them educated and comfortably middle class, who have taken up positions of leadership in the majority-black cities, which have become, in effect, our new plantations. It is not surprising, in this context, to hear Lawrence P. Doss, the president of New Detroit, Inc., the city's urban coalition group, declare that it is possible for blacks to live anywhere they want in the metropolitan area, even though the facts would not support such a statement.[33] The fact that almost 90 percent of the Detroit metropolitan area's black population is found in the city of Detroit is dismissed by Doss as a "black commitment to the city."[34]

Whether or not this view that integration has been achieved and nothing more need be done is self-serving, it must be addressed. The means and methods of segregation today are more subtle than in the South before 1954. What was easy to see in any southern state before *Brown* is not so easily visible today. What is needed is an effort to address this growing feeling that racial equality has already been achieved by demonstrating the ways that segregation in schools and housing continue to be the policy of government at almost every level.[35]

Rehabilitating 'Separate but Equal'

The foes of desegregation skillfully have restated the issue to be one of improving the education of black children. That permits the challenge, asserted by Derrick A. Bell, Jr., to desegregation on the grounds that "studies have not shown that educational benefit for black children is guaranteed. In many instances there are clear educational disadvantages."[36] In this view it is not segregation itself that is bad, but black powerlessness. More power to blacks—letting black rather than white overseers run the majority-black

cities, for example—and more money to their schools is a tactic that has gained wide support.[37] William Raspberry, a black columnist for the *Washington Post*, recently chided the NAACP for supporting goals no one else views as important. "It's getting tougher every day to find anybody—black or white—who believes that integration-through-busing is vital to black progress," argues Raspberry. He suggests that the NAACP "cut some deals, at the local level, to settle for less integration in exchange for more educational resources for black children."[38]

A CBS news documentary on busing ended with this point:

> It would be very hard to find anyone on any side who thinks busing is working perfectly. It obviously isn't. And it has some unpleasant side effects. It has caused white flight. It has antagonized many neighborhoods. It has not demonstrably improved the education of black children it was supposed to help.
>
> . . . . . .
>
> The problem is to find a way to reconcile the constitutional requirement for desegregation with the needs of children, parents and the whole community. The most promising path seems to be to provide a better education for everyone of whatever race. That at least is a goal with which few Americans would disagree.[39]

CBS's mixture of factual error and misunderstanding is doubtless faithful to the way many Americans, not just CBS writers, have come to regard the desegregation debate. The hard-learned lesson that separate can never be equal has all but been lost.

Improving Reporting on Desegregation

Some reporters are partisan[40] in their reporting on school desegregation, but most are committed, whatever their personal views, to report in as unbiased a fashion as possible. Inaccurate media reports on complex issues result more often from poor information than from the malice of individual reporters or editors.

In the early days of the civil rights movement the issues were relatively clear. In 17 states and the District of Columbia blacks and whites were prohibited from attending the same schools by explicit state laws. Segregation laws regulated life in the old South from birth to death. Civil rights workers were met with violence, frequently caused by police action. The issues were, of course, more complicated than that. But the reporting from the South in the 1950s and 1960s reflected, in the main, this simple view of the black struggle. There was distinguished reporting during that

period by some southern newspapers as well, and there were notable editors like Ralph McGill of Georgia and Hodding Carter of Mississippi who faced the wrath of their friends and neighbors because of the way their newspapers handled the race issue.

The changes in the South in the past two decades—the virtual elimination of the most visible form of discrimination typified by the "whites only" and "blacks only" signs—has resulted in the new issues in civil rights being much less clearcut to the public and the media. It is now the opponents of desegregation who have clarity and simplicity on their side. The focus on "busing" and "neighborhood schools" and improving the educational levels of all children has been seized on by the media because it represents the clearest, albeit incorrect, statement of the current controversy over desegregation.

It is late in the game to try to impose rationality on a national debate that is well advanced, and on which most Americans have already taken sides. Desegregation of any local school system is now reported by the national media in the language of the political rhetoric that engulfs that issue. And that means, since Boston, that stories must at least raise the question of whether or not there will be violence. The local media too, are caught in this trap. Reports from Boston and other cities under desegregation have reached every corner of the country. Local officials are likely to be asked as frequently by local reporters if the city will become "another Boston" as they are to be questioned about the specifics of the local plan.

There is nothing that can be done to wash the rhetoric of the past few years from the public consciousness. But there are some things that might be done to help the media better understand the issue.

A. *Sources of information:* There is a critical national need for better sources of information on desegregation. Few reporters will know about, or be willing to commit the time to stay abreast of, the diverse sources of information now available about desegregation. Few reporters read *Integrated Education* on a continuing basis. Fewer still read the latest court decisions, as opposed to reading news accounts of those decisions. Most reporters are generalists. They do not have the time to specialize so narrowly in one field, and, as previously noted, few reporters are at ease with

the language of law or education.

It was to fill just such a gap that southern newspapers and foundations created the Southern Education Reporting Service in the days after the *Brown* decision. That agency was the only source for regional school racial data before the federal government began its record-keeping as a result of the Civil Rights Act of 1964. It is ironic that the Race Relations Information Center, the latest name under which the agency operated, closed its doors almost 20 years to the day after the *Brown* decision. Foundations no longer viewed the center's mission as a critical one, and they had difficulty understanding how the center's interest in Indians and Mexican-Americans related to black-white race relations.

Although much has been written about desegregation, very little of it is in a form with which laymen would be comfortable. A national center, with a library, clipping service and reference personnel experienced in the subject, would be an invaluable resource for any reporter trying to understand this issue.

B. *Backgrounding the local media:* Unfortunately, in most cities it appears that a court-ordered busing plan suddenly bursts forth from the clouds. The media seldom pay much attention to the court proceedings designed to discover whether or not a local school system is guilty of segregating its schools. Even if these proceedings are covered, they can easily be meaningless to those who do not understand the court precedents which establish what must be proved to support a finding of illegal *de jure* segregation.

It is not until after a finding of a constitutional violation and the discussion of a remedy that most people, including the media, become interested. And then the talk focuses almost exclusively on busing.

It is important that the media understand, and that reporting reflect, the fact that busing or any other remedy flows from the finding that a constitutional violation exists. It is critical that civil rights lawyers, the board of education[41] and any other group interested in accurate reporting devise means of backgrounding the media on the nature of the evidence which resulted in a finding that illegal segregation exists.[42] It is also important that the nature of the court proceedings, the process of appeal, and the judicial process in general be explained. Much of the public, and an alarmingly large proportion of the media representatives, have little un-

derstanding of how a court works its way to a decision.

C. *Guidelines:* In Boston in 1974 the local media developed a set of guidelines for reporting on the implementation of Phase One of the court-ordered plan.[43] In Louisville in 1975 the media, under heavy pressure from Judge James Gordon, adopted a set of guidelines for covering the start of the countywide plan.[44] I would argue most strongly against local media guidelines, and I think that the experience of both cities supports this view.

Ordered guidelines, such as those Judge Gordon suggested he might impose if the Louisville media did not develop their own, run into a constitutional question involving First Amendment protection. But even voluntary guidelines make the public suspicious of the media. There is a large segment of the population which believes it is not getting the truth from the media in any event. The use of media guidelines only confirms the view that facts are being hidden and violence being covered up. The media, in the view of these doubters, become part of the conspiracy.

What is the alternative? There is no adequate one, unfortunately. You can background the media. You can provide information. You can encourage reporters and editors alike to report on this controversial issue with care. But there is no mechanism by which you can force the media to report this issue the way you might want it reported. You have to provide the information and background and then rely on the media to do the rest, however uncomfortable and helpless a position that might be.

These suggestions by no means deal with all of the problems related to reporting on desegregation. But they do offer some thoughts on closing the information gap, which I regard to be the most critical problem.

I must restate the cautionary message with which I began, however. I warn you not to be misled into believing that a clearer presentation of the issues by the media will end, or even significantly reduce, the public opposition to desegregation. You should do what you can to help attack the ignorance that pervades the reporting on desgregation, but your troubles with communication are a reflection—not the cause—of a larger problem. This is a problem which cannot be solved simply by changing the way the media report it.

Summary

In the major presentation, William Grant stated that the media does not have the power to change public opinion. He maintained, rather, that the present anti-desegregation bias of the media is a reflection of national opinion.

Grant pointed out that the major problem with desegregation reporting is the lack of accurate information available to reporters. He also cited the difficulty of dealing with such a complex and long-range issue in day-to-day reporting. He stressed the need for supplying background information to reporters so they may put local desegregation/busing efforts in perspective.

Charles Morgan disagreed with Grant's assertion that the media do not have the power to change people's minds. He maintained that the media today not only shapes public opinion but that people—through the media—have changed the country. People in law, medicine, the ministry and the press can always find rational reasons to avoid their responsibility by blaming their lack of power to solve problems, Morgan added.

He offered several examples of how the media has, indeed, shaped the American mind. Thomas Paine changed the country through the media when he wrote *Common Sense*, which swept the country like no piece of paper ever had and framed the American Revolution. Had there not been a Johnny Popham, who was with the *New York Times* in the late 1950s, there might not have been the same presentation of Martin Luther King or Rosa Parks from Montgomery, Ala., to New York City. If Harrison Salisbury had not gone to Birmingham, Ala., in 1960 and reported "Fear Stalks the Streets of Birmingham," no one in New York might have reacted.

A second respondent, Meyer Weinberg, addressed Grant's observation that school desegregation, because of its complex, technical nature, is one of the issues the media is least qualified to cover. Weinberg cited several examples of excellent reporting on desegregation: the *Washington Post's* analyses of James Coleman's "white flight" writings; the *Memphis Commercial Appeal's* articles on the city's black schools, called "The Uneducation of Black Youth in Memphis;" and the *Charlotte Observer*'s general coverage of its own local story.

Weinberg also cited a contrary example: When the California Supreme Court in late June unanimously ordered the Los Angeles School District to desegregate, not one of Chicago's four daily newspapers—including the black press—bothered to mention it. Two days after the decision, the *New York Times* put the Los Angeles story on the bottom of page 21.

Touching on the situation of the minority press, Weinberg observed that the number of black newspapers is declining sharply. The Chicano press is very restricted, the American Indian press virtually nonexistent, and there is no Puerto Rican press outside New York City. He added, however, that a reader can find much more human treatment of school problems in the black press. For example, individual mothers coming to particular schools to complain against principals rarely makes the metropolitan, white press. The holding of boycotts at particular schools makes the white press only when it's gone on for a long period of time or when there's violence.

Workshop

In general, workshop participants agreed that the press is powerful and that it has become increasingly hostile toward the tools of desegregation. For the most part, participants disagreed with Grant that the press cannot change public opinion. Neither did they agree with Grant that a clearer presentation of the issues by the media would not end public opposition to desegregation. They decided that school board members, superintendents, lawyers and social scientists should be encouraged to report as affirmatively as possible on all matters related to educational desegregation.

Participants recognized that there are really three media audiences: the "in-house" audience—generally made up of teachers, administrators, school board members and civic leaders; the local "in town" audience; and the national audience served by television, news magazines and a handful of major newspapers like the *Wall Street Journal* and the *Christian Science Monitor*. Each audience requires different handling, and the wise advocate of school desegregation makes sure that all three are served in a way most useful and helpful to successful implementation of a school desegregation plan.

Recommendations:

1. Early and frequent background briefings for members of the press are a must in any desegregation story. Editors, assignment editors, writers and TV/radio broadcasters should be brought together for briefings on the case. It is important that the media understand, and that the reporting reflect, the fact that busing or any other remedy flows from the finding that a constitutional violation exists.

2. Copies of court orders, lawyer's briefs, appeals and other documents should be made available to the press. Also, contact people should be identified so the media would know whom to contact for current information.

3. If possible, a federal judge in a desegregation case or U.S. Department of Justice staff members, if they are called in, should meet informally with top management people of a newspaper or TV/radio station. (While federal judges cannot discuss cases in private, but only speak from the bench, it might be helpful for a judge to simply "meet" a publisher or broadcast executive.)

4. When the media makes a mistake, "point of view" columns or letters to the editor are very much in order. Such replies should be short, yet cover all the points you wish to make. Newspapers are giving increasingly more space to readers with clear and distinct views. Even such subtleties as referring to a school board member as "the black member" should be repeatedly drawn to the attention of editors and publishers. Insist that treatment of black officials be the same as for any other.

5. When turmoil or violence is feared, make sure that the media gets a clearly-written statement of position by those who fear their "side" may be misrepresented.

6. If the media is consistently not telling the desegregation story with clarity and truthfulness, organize a boycott of a particular newspaper (if that's the case) and its advertisers.

7. Have influential people like the mayor and school superintendent make public service announcements on radio and TV to encourage peaceful desegregation.

8. Stay away from trying to get the media to adopt desegregation coverage guidelines. The use of media guidelines only confirms the public view that facts are being hidden and violence covered up. (You can, however, point out and object to consistent

use of inflammatory phrases such as "massive busing" and "forced busing." You may have to keep trying and trying on that one, because that may be the way the newspaper wants it done.)

9. Because of the critical need for better sources of information on desegregation, the conference suggested the creation of a national center with a library, clipping service and reference personnel experienced in the subject of school desegregation for the use of the media and others trying to understand this vital issue.

NOTES

1. 347 U.S. 483 (1954), p. 495.

2. For one of the few published discussions of this subject, see J. Harold Flannery, "Legal Myths Surrounding Desegregation," in *School Desegregation, Public Information and the Media* (Ann Arbor: University of Michigan Program for Educational Opportunity, 1973), p. 50.

3. Paul Lazarsfeld, Bernard Berelson, and Hazel Gaudet, *The People's Choice* (New York: Columbia University Press, 1948).

4. I personally have written nearly 1,000 articles on desegregation for the *Detroit Free Press*. I seriously doubt if anyone, other than myself, has read all or even most of them. And I cannot begin to remember all the information they sought to transmit.

5. Charles R. Wright, *Mass Communication* (New York Random House, 1959).

6. "The Comparative Effects of the Various Media," in Wilbur Schramm, ed., *The Process and Effects of Mass Communication* (Urbana: University of Illinois Press, 1961), pp. 91-105.

7. Wilbur Schramm and Serena Wade, "The Mass Media as Sources of Public Affairs, Science, and Health Knowledge," *Public Opinion Quarterly*, 33 (Summer, 1969), 197.

8. "Big Afternoon Papers Still Losing Readers: Many Factors Blamed," *The Wall Street Journal*, May 25, 1976.

9. "Living with Television: The Violence Profile," *Journal of Communication*, 26 (March 1976), 1975.

10. Bernard C. Cohen, *The Press and Foreign Policy* (Princeton: Princeton University Press, 1963), p. 13.

11. The agenda-setting function of the media pales by comparison with the agenda-setting function of the President. Because what the President says is news, the chief executive has the power which no other public official possesses to decide what people will talk about simply by deciding what he will talk about.

12. "The Boston Schools," *New York Times*, May 20, 1976.

13. "The Boston Schools: II," *New York Times*, May 24, 1976.

14. "Rebuking Busing Violence," *Detroit Free Press*, June 16, 1976.

15. Journalists are certainly not the only ones responsible for confusing the public about this issue. Eleanor P. Wolfe argues in "Social Science and the Courts: the Detroit School Case," *Public Interest*, 42 (Winter, 1976), 102, that the late U.S. District Judge Stephen J. Roth based his Detroit opinions on social science rather than legal grounds. Wolfe clearly has little understanding of the judicial process, and her argument is based on the incredible logic that because the case record is filled with social science testimony, it must have had great impact on the judge.

16. "Equal Rights Under the Law," *Detroit Free Press*, May 19, 1954.

17. See "The Editors," in Reed Sarratt, *The Ordeal of Desegregation* (New York: Harper and Row, 1966), p. 247.

18. "The South," *Time*, September 15, 1958.

19. *Detroit Free Press*, August 13, 1959.

20. "Nine Young Victims of Hate Maintain Dignity," *Detroit Free Press*, October 6, 1957.

21. "School Integration Plan Works in Washington," *Detroit News*, September 21, 1954. The Washington school system was 59.3 percent black at the time of Mr. Hayden's story. Years later, the *News*, of which Mr. Hayden was then the editor, suggested editorially that integrating the 70 percent black Detroit system was "an impossible task." "A Sensible Ruling," *Detroit News*, August 18, 1975.

22. "Integration Case May be Leading City to Disaster," *Detroit Free Press*, 1975.

23. "Busing Starts This Monday," *Northeast Detroiter*, January 22, 1976.

24. "Busing: The 'Message' Began with a Phone Call," *Macomb Daily*, May 22, 1972.

25. "Boston: The Agony of Responsibility," *Columbia Journalism Review*, 13 (January-February, 1975), 9.

26. Durham Monsma, "Ford Widens Busing Attack," *Detroit Free Press*, June 25, 1976.

27. "Lawful Resistance," *Richmond News-Leader*, reprinted in *Time*, June 13, 1955. James J. Kilpatrick, the syndicated columnist and foe of busing, was then the *News-Leader* editor.

28. "Ford Urges Aides to Press for Curb on School Busing," *New York Times*, June 3, 1976.

29. "The Other Mayor," *New York Times*, June 28, 1976. Contrast Shannon's one-sided account with the report of Diane K. Shah in "The Bill for Busing: Finding the Cash," *The National Observer*, June 5, 1976.

30. See, for example, Jonathan Kelley, "The Politics of School Busing," *Public Opinion Quarterly*, 38 (Spring, 1974), 23.

31. *Community News*, July 1, 1976.

32. "Beyond Boston, A Discussion with Professor Nathan Glazer," *Notes on Education*, 7 (New York: Teachers College, April, 1975) 4.

33. See Albert I. Hermalin and Reynolds Farley, "The Potential for Residential Integration in Cities and Suburbs," *American Sociological Review*, 38 (October, 1973), 605.

34. Personal Interview, June 9, 1976.

35. See William L. Taylor, "The Supreme Court and Urban Reality: A Tactical Analysis of Milliken v. Bradley," *Wayne Law Review*, 21 (March, 1975), 751.

36. Derrick A. Bell, Jr., "Is Brown Obsolete? Yes," *Integrated Education*, 24 (May-June, 1976), 28.

37. It should be noted that there is very little difference in a black-run and a white-run school system. In Detroit the black bureaucrats who have taken over the school system are, for the most part, mirror images of the whites who ran the schools before them. I find no evidence that the schools are better run, more humane, or more deeply concerned about the students than before.

38. "Busing and the NAACP," *The Washington Post*, June 30, 1976.

39. "Busing: The Issue that Won't Stop," *CBS Reports*, broadcast on May 28, 1976.

40. Partisan reporters are on both sides of the issue, some supporting desegregation and some opposing it.

41. It is difficult, of course, for a school board to honestly recount its guilt. It does little good, however, for a school board to bemoan inaccurate reporting when it contributes to the lack of knowledge about a particular case.

42. At least two people, the presiding judge and a defense attorney, changed their views as a result of the evidence presented in the Detroit case. See William R. Grant, "The Detroit School Case: An Historical Overview," *Wayne Law Review*, 21 (March, 1975), 851.

7

Conclusion

Gary Orfield

In Chapter 7, Gary Orfield presents an overall conference summary, which is followed by summary recommendations representing the consensus of the conference concerning the roles of the school desegregation participants.

School desegregation is the only remedy for segregation available to our generation. Both community and media leaders can help establish an atmosphere in which desegregation can succeed. If desegregation is implemented, perhaps integration, which is more important, is also possible.

During the conference, participants arrived at a series of recommendations for the successful implementation of school desegregation. These recommendations were based on four assumptions:

First, it was assumed that urban segregation, given the extreme to which it is currently manifested, will continue. In fact, it will become more intense than that experienced by any other group in American history. It constitutes a basic violation of our constitutional tradition, and the courts have no option but to order some remedy. Since housing desegregation has failed to make any significant advance, school desegregation is the only remedy that seems to be realistically available in our generation.

The second assumption made by conference participants is that there are several reasons why efforts to desegregate our schools should continue. Implicit here is a belief about power distribution in our society. No one at the conference believed that black children are incapable of learning by themselves in school, but there is

no reason to expect that a predominantly white, middle class society will allocate adequate resources or accord equal respect to segregated minority schools. Several speakers suggested that metropolitan desegregation may be a way that central cities can escape financial collapse and share in the growth and future of their metropolitan areas. There is a feeling that desegregation should continue, not because the desegregation process provides an educational panacea, but because it exposes problems which have been invisible simply because they affected people without power. Desegregation shakes up the status quo in a school system. It creates a state which, given appropriate educational response in later stages, can be a catalyst for major educational changes.

A third assumption of the conference is that desegregation is not integration. Virtually all important educational and human relations gains depend on moving beyond physical desegregation toward genuine equality and mutual respect in the schools. Too often the press, community leaders and educators themselves do nothing more than handle and observe the transition from segregation to desegregation. They pay little or no attention to the more important job of integrating the schools.

A fourth general assumption is that community and media leadership can make a difference. The way desegregation is viewed and characterized by leaders and communicators makes a great difference in how smooth or successful the transition can be.

These assumptions underlie the recommendations reached by conference participants. And these recommendations cluster around four basic themes: information, training, research and educational reform.

Information

First of all, most people have serious misconceptions about the desegregation process. There has been a systematic effort by national leadership to promote confusion and to mislead the public about school desegregation. Lawyers, educators, academicians, civil rights and community groups, and others involved in desegregation efforts must disseminate accurate, detailed information to the media and the various leadership strata in the community.

The evidence on such important issues as how segregation developed and how to cure it has been presented in such a compli-

cated way that few people can understand it. The minority community does not understand adequately its own racial history or the illegal segregation of its cities. The public does not realize that the projections of present statistics into the future indicate that, under current conditions, segregation will increase. People do not understand that according to demographic projections, there is no real, immediate fair housing option for this generation, or perhaps this century. Yet the public thinks that desegregation is underway and that racial equality is being achieved.

There needs to be a continuing attack on misinformation, and accurate information must be conveyed to a variety of special constituencies. Lawyers need a central file of cases, reports and research, as do school districts, who are usually misinformed about constitutional law. In addition to legal and case study reports, there is a need for journalistic investigations, annotated bibliographies and summaries of important social science research materials. In short, the idea of a clearinghouse or other information center seemed implicit in many discussions. It was emphasized in the workshop on the press that this type of service, if it is to be credible, must pass on bad news—news about problems—as well as news about important successes. What is needed may be a clearinghouse like the now defunct Southern Education Reporting Service and the Race Relations Law Reporter.

Training

A second need, emphasized by almost all conference participants, was that of training. It is inaccurate to assume that anyone at any level in the community is prepared for the kind of profound transition that desegregation and integration involve. Superintendents need to learn what other superintendents have done and what mistakes they have made. School board members, who often serve part-time and have no real access to national information sources or even to the experience of other school boards, also need special orientation. Teachers and principals certainly need intensive in-service training. This is one of the few things that recent research shows has made a difference in whether or not desegregation succeeds. There is so little experience in building successful bi-racial or bi-ethnic relationships in this society that we cannot start with the assumption that anyone knows how to do it.

Much of this training cannot be based on established social science evidence since social scientists have conducted almost no serious study of the implementation process. They have attended more to cognitive growth and demographics, as one workshop pointed out. Social scientists will find it difficult but necessary to conduct serious interdisciplinary research on this very complex, institutional change.

Research and Evaluation

A third basic theme concerns research and evaluation. It was agreed that researchers should move from their preoccupation with increasingly intricate intercorrelations of achievement growth deciles per school to questions of implementation about which there is little data now available. The relationships between various forms of community and educational leadership and what actually happens in terms of classroom productivity should be studied. Many feel that leadership positions within school districts from superintendent to principal and teacher make a difference, but systematic information about how they make a difference is needed. There are wide variations among communities, and some way of classifying communities and identifying the different patterns that develop would be valuable.

Research should recognize the long term quality of what is really a cultural revolution in the school. It takes years for the implications of desegregation to be felt. We usually have only one-year evaluations, but probably need ten-year evaluations. Given the primitive character of social science research, it is unreasonable to expect much more than tentative conclusions on these issues. Perhaps, however, we can help provide a fuller understanding of the complex process of institutional and attitudinal change.

Educational Reform

The fourth and most important theme in the conference discussions was the need, during court litigation or after its decision, for a greatly intensified focus on the educational dimension of the desegregation process. Most conceded that the court usually has little control or effectiveness where the educational dimensions of desegregation are concerned. Ultimately, most of the decisions will be made by the educators in the communities involved. School

boards, therefore, must encourage community involvement, and community groups must be made aware that they cannot relax after they get an order. School administrators and boards at this stage confront an educational problem, and they ought to avoid political polarization and assume a central role of educational responsibility. At this stage, desegregation has been mandated. The only choice remaining is whether or not there will be good schools.

8

Leadership, role responsibilities and the successful implementation of school desegregation

Conference participants considered independently the roles of the social scientist, the school superintendent, the lawyer, the school board member and the press relative to school desegregation. Conceiving these roles as independent is, of course, somewhat artificial. In practice, these participants depend upon each other in numerous ways. Nevertheless, the conference provided the opportunity to examine each participant individually, and based on this examination, to develop some recommendations for the roles of participants in all school desegregation efforts.

Social Scientists

Social scientists ought to desist from their role of mere information gatherers and extend the scope of their influence by attending to the political and social implications of their work. They must conduct research which will provide the academic rationale and the basis for educational decision-making that will facilitate school desegregation and provide a framework of equity for minority children.

Some social scientists must continue to challenge the assertions of their colleagues when those assertions come to be conjecture cloaked in the suggestion of empirical truth. Of course, one of the important endeavors for social scientists will be the study of outcomes of school desegregation. Basic knowledge will continue to be fruitful in shaping policy. But researchers must attend both to

the main effect of desegregation and to the interaction between this and other factors which are characteristic of school systems.

In addition to the development of cross-sectional designs to investigate the interaction of desegregation with other factors, there is a need for longitudinal designs. One reason for the uncertainty of the effect of desegregation is that typical evaluation studies of one year's duration are usually inadequate. They permit researchers to answer only a subset of the important questions.

Perhaps most important is the need for studies of the process of desegregating schools. Since desegregation will be implemented more and more, the effects of it become secondary in importance to clear conceptions of how to achieve effective implementation. Included in this knowledge of process should be a means of meeting the needs of the majority and demonstrating to them that the assumed value differences between the majority and the minority do not imply the imminent failure to integrate our society.

Lawyers

Several recent trends in the legal dimensions of school desegregation have suggested the need for developing explicit recommendations for the role of lawyers. The number of cases has burgeoned, and a corps of NAACP attorneys has assumed the duty of legally representing all plaintiffs. Furthermore, minorities in all school districts where racial separation is present are increasingly encouraged to file suits and enlist the counsel of these attorneys.

One largely unrecognized fact, however, is that legal suits are much too costly for the typical school system to absorb. Attorneys' fees put a strain on the budgets of most districts, and when the district loses a case, it often engages in the lengthy process of stalling in its requirements to comply with the court order. But complete compliance with the court order is as inevitable as the involvement of every segregated school system in litigation.

In view of the apparent eventuality that all segregated school systems will face litigation, there are several recommendations related to the role of lawyers which will prove useful in future cases. Lawyers repeatedly will need to recognize and publicly assert that segregation is constitutionally and morally wrong. More important,

they should encourage school systems to take the initiative in desegregating rather than waiting for the lawsuit. Also, they should advise that when a plan is devised by the district, it should include provisions to eradicate all apparent manifestations of segregation. Piecemeal methods are inefficient, and they encourage resistance in the community. Such inefficient methods ought to be avoided. Another professional responsibility of lawyers is to insure that the courts desist from their tradition of granting excessively long time periods for compliance with desegregation court orders.

None of these professional activities will be practical if the number of lawyers involved in school desegregation litigation is not increased dramatically. And just as additional legal staff is needed, so are additional resource materials with which this staff will work. For example, a central desegregation library in which information pertaining to every past and present case is needed. Lawyers might assist in assembling such information and also in using this facility to build each new case "on the shoulders" of others.

Not only must information be shared among legal professionals, but lawyers should develop their role as resource persons to school boards, superintendents and the media. As resource persons they can be much more effective than if they continue to merely represent the parties involved in the suits, while maintaining nonadvisory positions in a more general sense.

School Superintendents

As the chief administrator of the school system, the superintendent is faced with preserving order at the same time he is encouraging effective remediation of segregated conditions.

One of the strengths of superintendents who are successful in accomplishing their dual function is that they are well-informed. It is, therefore, advisable for every superintendent at the helm of the desegregation process to be knowledgeable in educational research, to be sophisticated in civic and political associations and to have a number of administrative strategies referenced for efficient and effective use. The information the superintendent acquires is most effective when it is shared and jointly used by other administrators and members of the school staff.

It is likely that information disseminated would not be used un-

less the school staff is well-trained to meet the demands of school desegregation. Superintendents will need to assume the lead role in developing selection procedures and the basic framework of the in-service training programs. Beyond selection and staff training, careful placement of staff is desirable. It might be possible to develop a workable model for matching the characteristics of school staff with the specific requirements of particular positions.

In addition to staff placement, the superintendent should supervise the development of a pupil placement strategy. Every caution should be observed that student placement does not develop into tracking. There is a potential danger of resegregation in schools where pupils are tracked on characteristics related to their membership in minority groups. To guard against this possibility the superintendent should involve minority staff members in decision-making about important educational matters. Of course, the superintendent must not only assume the role of the initiator but also that of a monitor. Continuous evaluation of staff effectiveness, educational programs, discipline policies, lunch programs, transportation and parent orientation is within the superintendent's domain.

School Board Members

School board members have recently found themselves in the position of power brokers who must see that constitutional rights are equitably protected in the schools.

It is not easy to exercise power equitably, however. The board member is under conflicting political pressures, and it is quite possible that equity may be inconsistent with the expectations of one's constituents. This conflict of interest may constrain the board member's actual expression of political influence. One must, however, transcend the comparatively unimportant issues of local politics if one is to stand as an effective agent of social change whose primary benefactors are the poor. And at some level of the educational process, political considerations must be cast aside in recognition of the need for development and maintenance of excellence in education.

Specific recommendations relative to the actions of the board member include the need to recognize not only one's role in policy-making but also in implementation. The board member

must represent the needs of the community, and also initiate and endorse policies which reflect constitutional state and local mandates.

In developing a plan for school desegregation, the board member will probably benefit from obtaining the objective advice of outside experts. The board member will be best prepared to understand the factors important to desegregation by keeping well informed on other desegregation cases, and on educational research.

It is particularly important for the board member to be able to articulate the ways in which desegregation can be a sound means toward achieving the general goal of quality education. Articulation of this notion depends on cultivating good relationships with the media so that communication with the citizenry is facilitated.

Finally, the public encouragement of state educational administrators to exercise strong leadership can be a most effective part of the board member's role.

The Media

Media representatives can best fulfill their functions in school desegregation implementation if they are kept well-informed in the planning and implementation processes. Early briefings held for the benefit of reporters, writers, editors and broadcasters are essential in establishing the foundation of basic information media representatives need for subsequent selection, collection and interpretation of important events. Members of the press may not always possess a sophisticated understanding of the legal, educational and cultural dimensions of desegregation. To the extent they have deficiencies in any of these areas, information dissemination ought to be planned to meet their needs. Helpful information may be found in court orders, legal briefs, appeals, position papers by school board members and the system's central administrative staff.

The high level management representatives of newspapers or TV/radio stations might derive great benefit from meeting with the federal judge involved in the desegregation case and with U.S. Department of Justice staff members.

The public may best express its views about the information and opinions communicated in the media by writing letters to the editor

or by submitting articles for "point of view" columns. In this way, perceptive members of the community can effectively call attention to subtle and perhaps unintentionally biased remarks made by members of the press. If media bias continues, it may be necessary for interested citizens to promote group protests and boycotts against these media. In addition to use of the media by citizens, public officials can also make use of these channels to promote successful desegregation.

In the last analysis, however, the media should perceive their freedom to be unrestrained, and their perceptions should be truthful. The official adoption of "community guidelines" for the media clearly suggests the promotion of biased standards of reporting. Such guidelines should not be established.

9

Specific guidelines for the successful implementation of school desegregation

The following desegregation guidelines reflect the experience of conference participants and the research of the conference staff. They are directed to those currently involved in the process of school desegregation and to those who anticipate such involvement in the future. In addition to the leadership roles discussed at the conference, these guidelines recognize the important part played by parents, students, school staff and the community in the desegregation process. Although the guidelines are not meant to be complete in every detail, they do represent a number of necessary steps and actions which should be carried out in newly desegregated school districts. This will allow all districts to benefit from the experience of those who have already undergone the process.

Guidelines have been grouped by participant: school superintendent, social scientist, school board member, media, community leadership, parent, student, school staff, and government. Due to the school superintendent's intensive involvement in administering a desegregation program, those guidelines pertinent to this role are discussed first. Guidelines grouped under one heading may be applicable to others. The attorney's role is not discussed further because these guidelines are not intended for use in desegregation litigation.

Superintendent

The superintendent should:

Assume a visible leadership role directed at gaining the support of

the community for the desegregation endeavor.

Acquire detailed familiarity with his/her own district and other desegregating districts, thus profiting from the desegregation experience of others.

Invite citizens to visit the schools which their children will attend as soon as possible after pupil assignment is worked out and before the children begin attending school there. In conjunction with this school visit, a parent orientation program may be offered and a welcoming committee may be assembled in each of the schools to introduce parents to the schools, the teachers and principal.

Organize an orientation session for returning staff members.

Employ new staff according to standards of selection consistent with the requirements of desegregation.

Recommend a continuing series of in-service workshops for all school staff.

Obtain information on school bus safety records from the National Safety Council and information on state inspection, licensing procedures, etc. from the appropriate authority.

When developing a specific intradistrict or interdistrict transportation plan, rely on district characteristics to establish the parameters of the busing plan.

Determine the ways in which the success of desegregation depends on the reconstruction of curricula and proceed to improve curricula accordingly.

Devise transportation plans which maximize ease of movement and which divide the responsibilities for desegregation equitably between the majority and minority communities.

Prepare community for some initial disruptions in order, schedules, achievement, etc.

Establish a uniform student conduct code to guard against unfair punishment.

Reinforce the need for protection of each student's constitutional rights by strictly prohibiting practices leading to resegregation and other "second generation" problems, and by establishing committees to oversee such problem areas.

Foster an atmosphere in which teachers and administrators can

themselves become fully integrated through the growth of mutually cooperative relationships.

Make every effort to keep the lines of communication open and bi-directional by establishing a community newsletter, a school newsletter and by appointing a desegregation center director and holding press briefings.

Correct community misconceptions about the effects of school desegregation.

Employ attorneys for legal advice on ways to avoid litigation by remedying the existence of separate educational facilities.

If busing has been ordered, try to downplay public hope for a reversal of the decision. Emphasize the fact that a court order is simply a reaffirmation of the 14th Amendment.

If resistance to a court order is encountered, note that such resistance should be through the legal process rather than through street demonstrations.

Develop desegregation plans which can be fully and effectively financed by operating funds of the school district(s). Avoid, if possible, diverting operating funds from basic educational programs to financing student transportation.

Insure that the superintendent's staff is fully aware of all federal dollars available to facilitate the process of desegregation so that there is not an immediate drain on academic funds.

Establish a finance committee so that those aspects of the budget being supported by federal funds do, in time, become line items in the budget. In metropolitan plans, the entire financial picture must be analyzed.

Conduct a series of seminars for board members relating to the failures and successes of other desegregating districts.

Seek out and identify parents who are supportive of desegregation to take part in parent committees working for a peaceful implementation process. These committees can inform other parents, teachers, the superintendent, or the board about negative events impeding the facilitation of desegregation.

Set up a desegregation center, headed by a director of desegregation programs, for disseminating information or receiving complaints by parents, students, and teachers.

Identify key community people who support quality education through desegregation, for example, the mayor, the chairman of the chamber of commerce, the head of the ministerial alliance, the downtown business association, and the city council members. Ask them to identify other groups that need accurate desegregation information.

Identify community innovators who might be able to persuade others to change their prejudicial actions or beliefs.

Work toward a transition from desegregation to full integration.

Social Scientist

The social scientist should:

Conduct evaluation studies whose purpose is to document the wide-ranging effects of school desegregation.

Disseminate information highlighting the subcultural and value similarities between blacks and whites.

Promote an open attitude toward research on the process of desegregation.

Continue research efforts, albeit with a different thrust than in the past. Focus should be on process studies which consider all variables that have an impact on school desegregation.

Provide accurate social science evidence related specifically to the desegregation process to attorneys, superintendents, school boards, media representatives, and community groups.

Encourage university faculty members and administrators, especially College of Education staff, to include in their curriculum material pertinent to desegregation, e.g., courses related to the achievement problems of desegregating schools.

Encourage school districts to conduct in-service training seminars for teachers and administrators about to engage in desegregation.

School Board

The school board should:

Avoid the expense, inconvenience and community turmoil of a

lawsuit. Where segregation is present, voluntarily develop plans to correct it.

Support the superintendent's effort to bring about meaningful desegregation.

Insist that the superintendent and his staff maintain full and complete records in order to be able to accurately document the total desegregation process.

Make sure there's a thorough discussion between school board members and the superintendent to establish a common position that both can support, even such a basic stance as abiding by the court order.

Take care not to make public comments that exacerbate situations inconsistent with harmonious desegregation.

Visit desegregating districts and become familiar with their problems and successes.

Use the research staff of the district to obtain and package information about other desegregating districts.

Realize that the superintendent, almost by definition, is placed in a conflict role *vis-a-vis* the business community, parents, and even teachers opposed to desegregation.

Play a strong and supportive, but "low profile," role with regard to the superintendent, while bearing in mind the board's necessary commitment to the people. Acknowledge the distinction between the policy role of the board member and the implementation role of the superintendent.

Media

Media representatives should:

Highlight the successful outcomes of school desegregation, rather than reporting on conflicts alone.

Request all pertinent desegregation facts and procedures so that stories are accurately presented. A media task force might provide a suitable vehicle for such information sharing.

Use their respective medium to disseminate information from evaluation studies on the effect of desegregation in other communities.

Seek out the superintendent and request all factual information related to the desegregation process.

Invest time and resources to deal with misconceptions relative to desegregation.

Become familiar with other desegregation plans in order to assess whether events occurring in their districts are unusual or not.

Be aware that any program related to changing basic social, cultural, economic, or racial patterns will bring about a certain amount of instability and perhaps conflict. The media should responsibly treat conflict in an open, honest manner, but not to the extent that conflict is heightened.

Community Leaders

Community leaders should:

Organize speakers bureaus with individual speakers, panels, discussion leaders, education specialists, attorneys, civic leaders and citizens.

Involve the community in the planning process. Make knowledgeable community consultants available to the school system when appropriate to advise on specific aspects of school desegregation.

Discourage any radical minority individuals from using the implementation of school desegregation to build their reputations as social activists when their actions may threaten the success of the desegregation plan.

Establish a Citizens' Advisory Committee and use its input.

Accept the fact that school desegregation is a constitutional imperative.

Parents

Parents should:

Encourage other parents and adults to give the desegregation plan a chance to work. They should discourage group demonstrations designed to frustrate desegregation efforts.

Make themselves available to the school system to serve in a variety of capacities such as tutors, monitors and advisors to pupils

and other parents to facilitate the transition from a segregated to a desegregated school system.

Trace bus routes taken by children during the week before school opens.

Act as monitors at bus stops, on bus rides and at school during the first few days.

Encourage their own children and their friends' children to develop attitudes and behaviors related to positive action towards others in the newly desegregated school.

Students

Students should:

Help promote the smooth implementation of desegregation. Administrators may want to assign them specific and strategic roles, especially during the first days of implementation.

Have input into educational decisions which directly affect them.

Be encouraged, after feelings are discussed, to organize a welcoming committee for new students coming to their school.

Through their student governments, take an active role in fostering communication of students' wishes for the upcoming semester. The question "What do you want your school to become?" should be addressed, and student government can assure that an opportunity exists for extracurricular activities to be scheduled during the day, prior to the departure of buses. Student governments can also explore how their respective schools can become models for other desegregating schools.

School Staff

School staff and supporting personnel should:

Help to assure that the constitutional rights of all students are protected.

Guard against resegregation within the district as well as the promotion of segregated conditions within individual school buildings.

Attend a general orientation session prior to the opening of

school. This would familiarize them with the general characteristics of integrated schooling as well as prepare them for specific problems they might encounter in their particular jobs as teachers, cafeteria workers, bus drivers, etc. A series of regularly scheduled in-service meetings should follow.

Plan as exactly as possible bus schedules and other details related to the actual transportation of pupils. Rehearsal of bus routes prior to the opening of school can prevent confusion.

Carefully screen bus drivers for maturity, judgment, driving ability, courteous treatment of students and citizenry. Train them to deal with situations specifically triggered by desegregation.

Develop procedures for "emergencies" like lost lunches, children getting sick or missing their bus, and accidents requiring medical attention.

Initiate a regularly scheduled series of meetings attended by representatives of the school administration and the faculty to discuss solutions for emerging problems related to desegregation.

Insure the safety of children on buses, on the playground during recess, and on the walking route to and from school.

Provide counselors with training in matters of race and social class and use their skills for sensitive handling of these issues.

Devote class time to student expressions of feelings about new arrivals in their school or their movement to a new school.

Involve desegregation's front-liners, i.e., students, parents and teachers in active planning and in the decision-making process.

Government Officials

Government officials should:

Support the implementation of school desegregation at national, state and local levels rather than attempting to subvert the actions of the courts.

Recognize the constitutional principles which underlie the need for school desegregation and publicly endorse these principles in spite of possible antagonism by constituents.

Assume leadership roles in mobilizing public support of desegre-

gation and exposing the antagonistic actions of government officials whose intransigence has operated against public acceptance.

Become well-informed on the evidence which supports the educational and social benefits of school desegregation.

Avoid turning desegregation into a political or campaign issue in recognition of the fact that constitutional rights must stand above politics and special interests.

Insure that police personnel are included in implementation planning so they are able to provide the most effective surveillance and support for educational desegregation.

Appendix A

Speaker and Respondent Identification

Educational Desegregation: Problems and Prospects

Speaker

Nathaniel Jones, General Counsel, National NAACP Legal Staff

A Social Scientist's View of School Desegregation: National Politics, Attitude Change and School Achievement

Speaker

Robert L. Green, Dean, College of Urban Development, Michigan State University

Respondents

Ray Rist, Acting Associate Director, Educational Equity Group and Head, Desegregation Studies Unit, National Institute of Education

Reynolds Farley, Associate Director, Population Studies Center, University of Michigan

The Law and Desegregation: What Board Members and Administrators Must Understand

Speaker

Louis Lucas, National NAACP Legal Staff, Memphis, Tennessee

Respondents

John Porter, Michigan Superintendent of Public Instruction

Christine Rossell, Assistant Professor of Political Science, Boston University

How Does a District Mobilize for Desegregation?

Speaker

Thomas Minter, Superintendent of Schools, Wilmington, Delaware

Respondents

Gordon Foster, Director, Desegregation Consulting Center, University of Miami

Robert Griffore, Research Associate, MSU College of Urban Development

Board Members and the Politics of Desegregation

Speaker

Wendell Howell, President, Board of Public Education, Wilmington, Delaware

Respondents

Althea Simmons, National Director for Education Programs, NAACP

I. Carl Candoli, Superintendent of Public Schools, Lansing, Michigan

The Media and School Desegregation

Speaker
William Grant, Education Editor, *Detroit Free Press*

Respondents
Charles Morgan, Author and Civil Rights Attorney, Washington, D.C.
Meyer Weinberg, Editor, *Integrated Education*

Conclusion

Speaker
Gary Orfield, Research Associate, Brookings Institution, Washington, D.C.

Appendix B

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Ute L. Auld, Education Reporter, *The State Journal*, Lansing, Michigan

Phillip Berry, Member, Charlotte-Mecklenberg School Board, Charlotte, North Carolina

Sue Betka, Education Program Specialist, U.S. Office of Education, Chicago, Illinois

E. L. Bing, Assistant Superintendent, Hillsborough County, Tampa, Florida

Marlene Bloom, Education Reporter, *News Journal*, Wilmington, Delaware

I. Carl Candoli, Superintendent of Public Schools, Lansing, Michigan

James Carter, Special Assistant for Equal Educational Opportunity, Hartford Board of Education, Hartford, Connecticut

Angela B. Case, Human Relations Specialist, Delaware State Department of Public Instruction, Dover, Delaware

John Chapman, Department of Defense School, San Francisco, California

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Larry Hovell, Behavioral Research Laboratories, Palo Alto, California

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Thomas Massey, Assistant Dean of Students, Stanford University, Palo Alto, California

Gerald A. McIntosh, Director, Office of Desegregation, Detroit Board of Education, Detroit, Michigan

Thomas Minter, Superintendent of Schools, Wilmington Public Schools, Wilmington, Delaware

Hayes Mizell, Director, South Carolina Community Relations Program, American Friends Service Committee, Columbia, South Carolina

Dan Monti, Assistant Professor, Sociology Department, University of Missouri, St.Louis, Missouri

Charles Morgan, Civil Rights Attorney and Author, Washington, D.C.

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Claudette Nelson, Educational Specialist, Michigan Department of Education, Lansing, Michigan

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Janet Olsen, Reporter, *The State News*, East Lansing, Michigan

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Cynthia Parsons, Education Editor, *Christian Science Monitor*, Boston, Massachusetts

John W. Porter, Superintendent of Public Instruction, Michigan Department of Education, Lansing, Michigan

Charles I. Rankin, Director, Midwest Center for Equal Educational Opportunity, Columbia, Missouri

Bill Raspberry, Columnist, *Washington Post*, Washington, D.C.

Fred W. Raymond, Teacher, Wilmington Federation of Teachers, Wilmington, Delaware

Gilda Richardson, Member, Board of Education, Lansing School District, Lansing, Michigan

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James Warnick, President, Wilmington Federation of Teachers, Wilmington, Delaware

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Bruce Williams, Assistant Director, Social Science Division, Rockefeller Foundation, New York

Roger Woock, Desegregation Studies Staff, National Institute of Education, Washington, D.C.